

2007 Vitals

(The Town Clerk is required to report
to the Registry of Vital Records and Statistics
on a calendar-year basis)

Births 173

Deaths 164

Marriages 136

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RESULTS

SPECIAL TOWN MEETING November 5, 7, 15, 19, and 28, 2007

The meeting was televised by Amherst Community Television and shown on the Government Channel.

The Special Town Meeting was called to order by the Moderator, Harrison Gregg at 7:39 p.m. There were 251 town meeting members. 126 checked in and a quorum was declared. The call and the return of the warrant were read by Assistant Town Clerk, Susan Audette.

Peter Gray-Mullen was sworn in as Town Meeting Member.

ARTICLE 1. Reports of Boards and Committees (Select Board)

VOTED unanimously to hear those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

Action taken on 11/5/07

ARTICLE 2. Transfer of Funds – Unpaid Bills (Finance Committee)

DISMISSED: [To see if the Town will, in accordance with Chapter 44, Section 64, of the Massachusetts General Laws, appropriate and transfer a sum of money to pay unpaid bills of previous years.]

Action taken on 11/5/07

ARTICLE 3. FY08 Budget Amendments (Finance Committee)

A. VOTED unanimously to amend the budget voted under Article 17 of the 2007 Annual Town Meeting (Fiscal Year 2008 Operating Budget), by appropriating to the Health Claims Trust Fund \$562,207 for employee health insurance and to meet such appropriation transfer \$562,207 from Free Cash in the Undesignated Fund Balance of the General Fund, said appropriation to be reimbursed to the General Fund via a temporary health insurance premium surcharge to employers and employees until such time as the total appropriation has been reimbursed.

B. VOTED unanimously to appropriate and transfer \$31,323 from Free Cash in the Undesignated Fund Balance of the General Fund for the Hampshire County Regional Lock-up Facility assessment.

Action taken on 11/5/07

ARTICLE 4. Property Tax Exemptions for Veterans' Organizations (Select Board)

VOTED to accept the provisions of Chapter 59, Section 5, Clause 5B of the Massachusetts General Laws, which exempt from taxation the real and personal estate belonging to or held in trust for the benefit of incorporated organizations of veterans of any war in which the United States has been engaged, to the extent of \$700,000 if used and occupied by such association.

Action taken on 11/5/07

ARTICLE 5. Capital – Mark’s Meadow Portable Classrooms (Joint Capital Planning Committee)

VOTED by a declared two-thirds that the sum of \$195,000 be and hereby is appropriated to pay costs of purchasing portable classrooms for the use of the School Department and for the payment of all other costs incidental and related thereto, which amount shall be expended in addition to the \$80,000 previously appropriated for this purpose, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is hereby authorized to borrow said amount under and pursuant to Chapter 44, Section 7(9) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

Action taken on 11/5/07

ARTICLE 6. Dissolution of Senior Trust – Transfer of Funds (Select Board)

VOTED unanimously that the Town receive funds currently held by the Trustees of the Senior Trust, in order for the Trust to dissolve according to the terms of the Trust Agreement, and appropriate all the funds received, \$94,160.34 plus any accrued income, to be transferred to the newly formed Friends of the Amherst Senior Center, Inc.

Action taken on 11/5/07

ARTICLE 7. Community Preservation Act – Open Space (Community Preservation Act Committee)

A. VOTED to appropriate \$123,000 from the Community Preservation Fund annual revenues for the purchase of land for open space purposes in North Amherst (Map 3B, Parcel 7, 8, 9, 10, 11, 12, 13).

B. VOTED by a declared two-thirds, as amended to 1) authorize the Select Board to acquire by gift or negotiated purchase parcels of land containing 28 acres, more or less, designated as Map 3B, Parcels 7 -13 of the Town Cadastre, located north of East Leverett Road, from Haskins View LLC, to be managed and controlled by the Amherst Conservation Commission in accordance with Chapter 40, Section 8C for conservation and passive recreation purposes, 2) appropriate \$487,000 for the acquisition of said land, 3) to meet such appropriation, authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for that purpose, as authorized by M.G.L. Chapter 44, or any other enabling authority, 4) authorize the Town Manager or his designee to file on behalf of the Town any and all applications deemed necessary under the Self-Help Act (M.G.L. Chapter 132A, Section 11) or any other applications for funds in any way connected with the scope of this acquisition, 5) authorize the Town Manager, the Select Board and/or the Conservation Commission, as they deem appropriate, to enter into all agreements and execute any and all instruments including the conveyance of a perpetual deed restriction in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B as may be necessary on behalf of the Town to effect said purchase.

Action taken on 11/5/07

At 9:54 p.m. on November 5, 2007, the meeting voted to adjourn to Wednesday, November 7, 2007 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 176 town meeting members were checked in.

* * *

The November 7, 2007 session, adjourned from November 5, 2007, was called to order by the Town Moderator, Harrison Gregg, at 7:48 p.m. 126 town meeting members were checked in.

Mike Olkin was sworn in as Town Meeting Member.

ARTICLE 8. Community Preservation Act – Town Hall Historic Preservation
(Community Preservation Act Committee)

A. VOTED that the Town appropriate \$100,000 from Community Preservation Fund balance to rebuild the south steps of Town Hall and to restore the masonry, internal wooden structural elements, and clockworks of the Town Hall clock tower.

B. VOTED by a declared two-thirds that the sum of \$295,000 be and hereby is appropriated to complete the repointing and associated masonry work involved in the restoration of the exterior of the historic 1889 Amherst Town Hall under the Community Preservation Program, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is hereby authorized to borrow said amount under and pursuant to Chapter 44B, Section 11 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

C. VOTED to amend the action taken under Article 23 of the 2007 Annual Town Meeting – Capital Program – Bond Authorization, by reducing by \$395,000 the appropriation and borrowing authorization for extraordinary repairs to the exterior of Town Hall.

Action taken on 11/7/07

ARTICLE 9. Petition – Resolution – Fair Trade (Friman)

VOTED unanimously as amended to adopt the following resolution:

WHEREAS, “Fair Trade” is an innovative, market economy system that promotes fair labor practices and healthy, safe work environments through the production of food and other products; and

WHEREAS, Fair Trade provides procedures with fair prices that translates into truly livable wages; and

WHEREAS, production of Fair Trade goods is achieved through sustainable and ecologically friendly means thus supporting the future of a healthy planet for all; and

WHEREAS, millions of people have had their standard of living significantly raised through the simple act of educated consumers selecting and asking for Fair Trade products:

Now Therefore Be It resolved, that Amherst Representative Town Meeting encourages the Town Manager to establish a procedure to maximize purchase of Fair Trade Certified products in the process of procuring necessary goods for the Town, said established procedure to be informed by the fact of Town Manager’s authority to execute contracts and oversee procurement and to adhere to the strict statutory requirements that the Town Manager must follow when purchasing products for Town use;

Be it further resolved, that Amherst Town Meeting calls upon the Select Board to consider working to ensure ongoing education, media exposure and commitment to “Fair Trade” and to encourage businesses and institutions to use and sell Fair Trade Certified products whenever possible for the well being of producers, consumers and the planet;

Be it further resolved, that Town Meeting calls upon the Select Board to consider forming a town committee in order to take a more active role in the future on issues of Fair Trade if it proves productive for the Town to act in an official capacity.”

Action taken on 11/7/07

ARTICLE 10. Zoning Bylaw and Zoning Map – Research & Development (R&D) Overlay District
(Planning Board)

VOTED to add new sections to Sections 2.03, Industrial/Research Park Districts, and to 3.2, Special Districts, of the Zoning Bylaw, and amend the Official Zoning Map in order to create a Research and Development (R&D) overlay district, as follows:

- A. VOTED by a declared two-thirds** to add the following new sections to Section 2.03, Industrial/Research Park Districts, and Section 3.2, Special Districts, of the Zoning Bylaw, as follows:

2.03 Industrial/Research Park Districts

R&D Research & Development

The R&D District is an overlay district intended to modify the regulations in underlying business and industrial/research park districts in order facilitate research and development and testing uses and to provide specific additional regulations with regard to such uses.

3.29 Research & Development (RD) District

3.290 General

The Research & Development (R&D) District is an overlay district and shall be superimposed on other districts established by this Bylaw. Restrictions and prohibitions of land use in the underlying districts shall remain in full force and shall not be modified by the conditions of the R&D District unless superseded by the restrictions and conditions of the R&D District.

3.291 Establishment of District

The Research & Development (R&D) District shall consist of those geographic areas shown as R&D District on the Official Zoning Map. This District is configured to include those lands which, by virtue of their location with respect to institutions of higher learning, transportation corridors, utilities, village centers, services, and other factors, are appropriate for the siting of research, development, and testing businesses.

3.292 Purpose

The purposes of the Research & Development (R&D) District are to:

- 3.2920 Facilitate and promote the establishment, development, and expansion of information- and technology-intensive research and development businesses in Amherst.
- 3.2921 Provide opportunities for the establishment of research and development businesses, including but not limited to those derived from or associated with the research and testing activities of departments or agencies of the University of Massachusetts, Amherst College, and Hampshire College.

3.2922 Require that any research and development businesses established in Amherst are located, designed, and operated in conformance with all federal, state and local regulations regarding public health and safety.

3.2923 Expand employment opportunities for Amherst residents in the fields of research and development.

3.2924 Broaden and diversify the community's property tax base.

3.293 Permit Required

Within the R&D District, any uses under Sections 3.372.0 and 3.372.1 directly involved or associated with research, development and testing activities, including any associated accessory light manufacturing which would otherwise be regulated in the underlying zoning district under a Special Permit (SP) by the Zoning Board of Appeals shall instead be regulated under Site Plan Review (SPR) approval by the Planning Board. An exception shall be any accessory research or testing to be conducted outdoors, which shall require a Special Permit granted by the Special Permit Granting Authority authorized to act under the applicable section of the Bylaw.

3.294 Review Period

Notwithstanding the provisions of Sections 10.323 and 11.230, within the R&D District, the Fire Chief, Building Commissioner, Board of Health, Town Engineer, and Conservation Department shall have forty-five (45) days to report their findings on any application made under Sections 3.372.0 and 3.372.1 which involves the use, production, or storage of materials identified as flammable, toxic, hazardous or explosive.

B. VOTED by a declared two-thirds to amend the Official Zoning Map to add the Research & Development (R&D) overlay district to the following properties in Amherst currently zoned Limited Business (B-L) which are located west of University Drive and between Amity Street and Northampton Road (Route 9):

Map 13B, Parcels 17, 18, 19, 21, 22, 24, 27, and 28

Map 13D, Parcels 2, 3, 5, 59, 62, and 70.

Action taken on 11/7/07

At 10:02 p.m. on November 7, 2007, the meeting voted to adjourn to Thursday, November 15, 2007 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 168 town meeting members were checked in.

* * *

The November 15, 2007 session, adjourned from November 7, 2007, was called to order by Town Moderator, Harrison Gregg, at 7:42 p.m. 124 town meeting members were checked in.

James W. Pistrang, Nonny Burack, Hilda B. Greenbaum, James E. Scott, H. Oldham Brooks, and Nancy M. Gordon were sworn in as tellers.

ARTICLE 11. Zoning Bylaw - Research & Industrial Uses (Planning Board)

VOTED to amend Sections 3.372.0, 3.372.1, 3.372.2, and Article 12 of the Zoning Bylaw, by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

A VOTED by a declared two-thirds to amend Sections 3.372.0 and 3.372.1, as follows:

3.372.0 Research and Development
or Testing facility

R-O

R-LD R-N R-VC R-G R-F B-G B-L B-VC COM OP LI PRP FPC

N N SP N N SP SP/**SPR*** SP SPR SPR SPR SPR N
(SP)

Standards & Conditions

**** In those areas of the B-L District which coincide with the Research & Development (R&D) overlay district, Site Plan Review approval shall be required for uses regulated under this section. In all other areas of the B-L District, a Special Permit shall be required from the Zoning Board of Appeals.***

Uses under this section shall include research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. This shall include but not be limited to activities conducted in laboratory settings. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses under the provisions of Section 5.07.

In the B-G, B-L, B-VC and R-VC districts, the Zoning Board of Appeals may grant a Special Permit for a research and development use, provided that it consists only of office or similar uses and meets the provisions of Section 3.359, Article 7, and Section 10.38. ***An exception shall be where the B-L District coincides with the R&D overlay district, in which case such a research and development use, similarly limited, shall be permitted through Site Plan Review approval.***

In all zones, all outdoor storage of materials and equipment shall be screened from public view, from public ways and abutting residential districts. No operation shall create noise, vibration, dust, fumes, or odors that are a nuisance beyond the lot line, and further no operations shall be ***permitted which the Permit Granting Board or Special Permit Granting Authority, after consultation with the Board of Health, determines to be unduly hazardous by reasons of potential fire, explosion, ~~or~~ radiation, or chemical or biological hazard, including hazards resulting from the use, production or storage of materials or waste identified as toxic or hazardous, flammable, or explosive.*** No research or testing ~~to~~ ***shall*** be conducted outdoors unless a Special Permit is granted for this purpose by the ~~Zoning Board of Appeals~~ ***Special Permit Granting Authority authorized to act under the applicable section of this bylaw.***

3.372.1 Publishing, data processing, light
manufacturing, light assembly
including computer hardware and
software, and scientific products
with associated offices and

distribution facilities.

R-O													
<u>R-LD</u>	<u>R-N</u>	<u>R-VC</u>	<u>R-G</u>	<u>R-F</u>	<u>B-G</u>	<u>B-L</u>	<u>B-VC</u>	<u>COM</u>	<u>OP</u>	<u>LI</u>	<u>PRP</u>	<u>FPC</u>	
N	N	SP	N	N	SP	SP/ <i>SPR</i> *	SP	SPR	SPR	SPR	SPR	N	(SP)

Standards & Conditions

** In those areas of the B-L District which coincide with the Research & Development (R&D) overlay district, Site Plan Review approval shall be required for uses regulated under this section. In all other areas of the B-L District, a Special Permit shall be required from the Zoning Board of Appeals.*

Uses under this section shall include those which involve the limited light manufacture or production, principally from previously-prepared materials, of finished products or parts. This may include processing, fabrication, assembly, treatment, and packaging of such products as well as incidental storage and distribution of such products and associated offices. These uses may also include the on-site production within enclosed structures of custom goods fabricated principally by hand through the use of hand tools and small-scale mechanical equipment.

No mass manufacturing, processing, or fabrication normally conducted under Section 3.372.2 nor any on-premises sale of products shall be permitted in association with uses under this section, except that the on-premises sale of custom-made goods produced by hand manufacturing may be permitted under a Special Permit granted by the Special Permit Granting Authority authorized to act under the applicable section of the Bylaw.

In the R-VC District, the Zoning Board of Appeals may grant a Special Permit for a use under this section, provided that the proposed use consists only of offices or similar uses and meets the provisions of Sections ~~3.360~~ **3.359**, Article 7 and Section 10.38. In all zones, all outdoor storage of materials and equipment shall be screened from public view, from public ways and abutting residential districts.

No operation shall create noise, vibration, dust, fumes, or odors that are a nuisance beyond the lot line, and further, no operations shall be *permitted which the Permit Granting Board or Special Permit Granting Authority, after consultation with the Board of Health, determines to be unduly* hazardous by reason of potential fire, explosion, ~~or~~ radiation, *or chemical or biological hazard resulting from the use, production or storage of materials or waste identified as toxic or hazardous, flammable, or explosive. Where permitted, all operations involving such materials shall be conducted in a fully enclosed building in accordance with all applicable public health and safety regulations.*

B VOTED by a declared two-thirds, as amended, to amend Section 3.372.2, as follows:

3.372.2 Manufacturing, assembly and

processing, including associated offices and distribution facilities.

R-O

R-LD R-N R-VC R-G R-F B-G B-L B-VC COM OP LI PRP FPC

N N N N N N N N N N ~~SP~~ ~~SP~~ ~~SP~~ N
SP (SP)

Standards & Conditions

Uses under this section shall include those involving the manufacture, assembly and/or processing, from extracted or raw materials or from previously-prepared materials, of finished materials, products, or parts. These uses may include processing, fabrication, assembly, treatment, and packaging of such products, as well as incidental storage and distribution of such products and associated offices. These uses may involve the production and/or storage of volumes of toxic or hazardous, flammable, or explosive materials under appropriate safeguards and conditions, as determined by the special permit granting authority under the requirements of this section. The on-premises sale of products shall not be permitted in association with any uses under this section.

In all zones, all outdoor storage of materials and equipment shall be screened from public view, from public ways and abutting residential districts. No operation shall create noise, vibration, dust, fumes or odors that are a nuisance beyond the lot line, and further, no operations shall be *permitted which the Permit Granting Board determines to be unduly hazardous by reason of potential fire, explosion, or radiation, or chemical or biological hazard resulting from the use, production, or storage of materials or waste identified as toxic or hazardous, flammable, or explosive. Where permitted, all operations involving such materials shall be conducted in a fully enclosed building in accordance with all applicable public health and safety regulations.*

C **VOTED unanimously** to amend Article 12 of the zoning bylaw by adding the following new language under Section 12.35 and renumbering the remaining sections accordingly:

12.35 *Toxic or Hazardous Substance: Any chemical substance or mixture of substances in a gaseous, liquid or solid state which is listed in the Massachusetts toxic or hazardous substance list compiled and maintained by the commissioner of the Massachusetts Department of Public Health in compliance with the provisions of M.G.L. Ch. 111F, section four, as amended, and which is manufactured, processed, used or stored in the workplace, but which shall not include alcoholic beverages as defined in MGL Ch. 138, Section one, or articles intended for personal consumption by employees in the workplace, or consumer articles packaged for distribution to, and used by, the general public, or articles sold or used in retail food establishments and all other retail trade establishments, exclusive of articles used in processing and repair areas, or substances being transported in interstate commerce.*

Action taken on 11/15/2007

ARTICLE 12. Zoning Bylaw - Accessory Light Manufacturing (Planning Board)

VOTED to amend Section 5.07, Scientific Research or Development, of the Zoning Bylaw by deleting the ~~lined out~~ language and adding the language shown in ***bold italics***:

A VOTED Yes 121: No 33, as amended:

SECTION 5.07 SCIENTIFIC RESEARCH OR DEVELOPMENT

5.070 Uses accessory to and necessary in connection with scientific research, scientific development, or related production activities in districts where such activities are permitted by right *under a Special Permit or Site Plan Review approval* may be permitted ~~upon the issuance of a Special Permit, as an amendment to the permit for the principal use~~ provided that the ~~Board of Appeals~~ *Permit Granting Board or Special Permit Granting Authority* finds that the proposed accessory use does not substantially derogate from the public good. Such an accessory use need not be located on the same parcel or parcels of land as the related principal use or activity.

5.072 *An airport or helipad shall not be considered an accessory use under this section.*

B VOTED by a declared two-thirds, as amended:

5.071 *Limited manufacturing activity may be considered an allowed accessory use to a technical research and development office, laboratory, or research facility in the B-G, B-L, B-VC, COM, OP, PRP and LI districts, provided that the following requirements are satisfied:*

5.0710 *Such manufacturing activity shall be directly related to the research and development activities of the principal use.*

5.0711 *No manufacturing activity shall occur within two hundred (200) feet of a dwelling unit in a residential district, or within one hundred (100) feet of any dwelling unit in a non-residential district, including any accessory dwelling units under Section 5.016.*

5.0712 *No manufacturing, processing, or fabrication normally conducted under Sections 3.372.1 or 3.372.2, nor any on-premises sale of products shall be permitted in association with uses under this section.*

5.0713 *All manufacturing activity shall customarily occur inside of buildings; however, outdoor research work and incidental outdoor fabrication of equipment to conduct outdoor experimentation may be permitted under a Special Permit granted by the Special Permit Granting Authority authorized to act under the applicable section of the Bylaw and issued in conformance with the Standards and Conditions of the principal use and the provisions of Section 10.38.*

5.0714 *Manufacturing activity, excluding incidental fabrication of outdoor experiments, shall not occupy an area in excess of sixty (60) percent of the gross floor area of a building or group of associated buildings owned or leased by the same establishment.*

Action taken on 11/15/2007

At 10:15 p.m. on the 15th day of November 2007, the meeting voted to adjourn to Monday, November 19, 2007 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 177 town meeting members were checked in.

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The November 19, 2007 session, adjourned from November 15, 2007, was called to order by the Town Moderator, Harrison Gregg, at 7:45 p.m. 124 town meeting members were checked in.

ARTICLE 13. Zoning Bylaw - Technical/Professional Offices (Planning Board)

DISMISSED [To see if the Town will amend Section 3.359 of the Use Chart (Section 3.3) of the Zoning Bylaw, by deleting the ~~lined-out~~ language and adding the language in *bold italics*, as follows:

3.359 *Low visitation professional or administrative offices*

3.359.0 *Technical or professional office such as architect, engineer, lawyer, financial services, or similar office providing services predominantly by appointment to clients in person on the premises.*

R-0

R-LD R-N R-VC R-G R-F B-G B-L B-VC COM OP LI PRP FPC

N N SP N N SPR SPR SPR SPR SPR SP SPR N

Standards & Conditions

For the purposes of this section, the general public shall be defined as including all persons acting as customers or clients receiving services. "Predominantly by appointment" shall mean that a majority of customers or clients who are provided services in person on the premises during any extended period of operation (monthly, quarterly, or annually) shall do so through prior appointment. Exceptions shall be discretionary follow-up visits by customers or clients with regard to services already provided, and visits by affiliated professionals or consultants, salespersons, service contractors (delivery, maintenance, etc.), and the like. Office uses under this section shall advertise their on-premises services as being available to the general public only by appointment.

In the R-VC District, the Zoning Board of Appeals may grant a Special Permit for a technical or professional office that provides services predominantly by appointment to customers or clients in person on the premises. The Zoning Board of Appeals may grant a Special Permit providing it finds that, in addition to meeting the provisions of Article 7 and Section 10.38, the proposed office use meets the following conditions:

- 1. Is located on the ground floor only, and occupies no more than 50 percent of the gross floor area of the structure, exclusive of storage space.*
- 2. Shall be allowed only as a second Principal use, where the first Principal use is a residential use consisting of one dwelling unit.*
- 3. Shares a property line with or is adjacent to another property with a similar use permitted under this section or a property in the B-L, B-VC or COM districts.*
- 4. Employs no more than 5 persons who work on-site.*
- 5. Where located in an existing building, the residential character of the structure and site shall be maintained.*

3.359.1 *Administrative business office or similar Bbusiness or professional office not providing services to the general public in person on the premises.*

R-0

R-LD R-N R-VC R-G R-F B-G B-L B-VC COM OP LI PRP FPC

N	N	SP	N	N	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	N
												(SP)	

Standards & Conditions

For the purposes of this section, the general public shall be defined as including all persons acting as customers or clients. Exceptions shall be affiliated professionals or consultants, salespersons, service contractors (delivery, maintenance, etc.), and the like. No office use under this section shall advertise its services as being available to customers and clients on the premises. Services shall be advertised as being available exclusively by telephone, mail, on-line, or other remote means.

In the R-VC District, the Zoning Board of Appeals may grant a Special Permit for an ~~administrative business office or similar business or for professional or office uses not dealing directly with~~ **that does not provide services to** the general public **in person on the premises**. The Zoning Board of Appeals may grant a Special Permit providing it finds that, in addition to meeting the provisions of Article 7 and Section 10.38, the proposed office use meets the following conditions:

1. Is located on the ground floor only, and occupies no more than 50 percent of the gross floor area of the structure, exclusive of storage space.
2. Shall be allowed only as a second Principal use, where the first Principal use is a residential use consisting of one dwelling unit.
3. Shares a property line with or is adjacent to another property with a similar use permitted under this section or a property in the B-L, B-VC or COM districts.
4. Employs no more than 5 persons who work on-site.
5. Where located in an existing building, the residential character of the structure and site shall be maintained.]

Action taken 11/19/2007

ARTICLE 14. Petition - Allowing Professional Offices Accessible by Appointment in Some Zoning Districts (Coalition for Sustainable Neighborhoods)

DISMISSED ["To see if the Town will amend the Use Chart (Section 3.3) of the Zoning Bylaw, by adding the following new use as Section 3.360, and renumbering existing subsequent sections of the bylaw as necessary:

- 3.360 Technical or professional office such as architect, engineer, lawyer, financial services, or similar office providing services by appointment in person on the premises.

R-O													
R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	COM	OP	LI	PRP	FPC	
N	N	N	N	N	SPR	SPR	SPR	SPR	SPR	N	SPR	N	

In the PRP District, this use shall be limited to offices that employ 15 or more on-site staff on parcels served by town water and sewer. PRP District uses immediately adjoining a residential district shall maintain a 100-foot buffer of natural and undisturbed vegetation. PRP District offices shall provide only 45° downcast exterior door lighting; shall extinguish exterior sign and building face lighting, and parking lot lighting not needed for security of after- or before-hours staff at 9 pm or at the close of appointments whichever is earlier; and, shall provide signs directing exiting vehicles toward main thoroughfares and away from nearby residential streets.”]

Action taken 11/19/2007

James W. Pistrang was elected Moderator pro tem for the duration of the discussion of Article 15. Mr. Pistrang was sworn to the faithful performance of his duties as Moderator pro tem before taking up Article 15.

David Mullins was sworn in as teller.

ARTICLE 15. Zoning Map and Bylaw - Spring Street Rezoning and General Business Lodging Uses (Planning Board)

VOTED to amend the Zoning Bylaw and the Official Zoning Map as follows:

A.1 VOTED by a declared two-thirds, as amended, to amend the Official Zoning Map to change the zoning district designation of the following properties from General Residence (R-G) to General Business (B-G): Assessors Map 14A, Parcels 264, 265 and portions of the Town Common and Spring Street public ways, all as shown on Exhibit A.

A.2 VOTED by a declared two-thirds, as amended, to amend the Official Zoning Map to change the zoning district designation of the following properties from General Residence (R-G) to General Business (B-G): Assessors Map 14A, Parcels 266 and portions of Churchill Street public ways, all as shown on Exhibit A.

A.3 VOTED by a declared two-thirds, as amended, to amend the Official Zoning Map to change the zoning district designation of the following properties from General Residence (R-G) to General Business (B-G): Assessors Map 14A, Parcels 267, 268, 269, 270 and portions of the Town Common, Spring Street, and Churchill Street public ways, all as shown on Exhibit A.

B.1 DEFEATED Yes 100: No 54, as amended. [To amend Section 3.3 of the Zoning Bylaw to change the permit requirements for Section 3.327.0, Hotel/Motel from Special Permit (SP) to Site Plan Review (SPR) in the General Business (B-G) District only.]

B.2 VOTED by a declared two-thirds, as amended, to amend Section 3.3 of the Zoning Bylaw to change the permit requirements for Section 3.327.1, Inn from Special Permit (SP) to Site Plan Review (SPR) in the General Business (B-G) District only.

Action taken 11/19/2007

At 10:36 p.m. on the 19th day of November 2007, the meeting voted to adjourn to Wednesday, November 28, 2007 at 7:35 p.m. in the auditorium of the Amherst Regional Middle School. 169 town meeting members were checked in.

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The November 28, 2007 session, adjourned from November 19, 2007, was called to order by the Town Moderator, Harrison Gregg, at 8:44 p.m. following the dissolution of the Special Town Meeting called for November 28, 2007 at 7:30 p.m.

ARTICLE 16. Zoning Bylaw - Zoning Map - College/South East Street (Planning Board)

VOTED Yes 115; No 53 to amend the Official Zoning Map to change the zoning designation for the following properties, all on Assessor's Map 15C:

Parcel 47 – Rezone that portion of the property currently zoned R-N to COM.

Parcel 7 – Rezone those portions of the property currently zoned R-N and COM to B-VC.

Parcels 3, 4, 8, 9 and 41 – Rezone from R-N to B-VC.

Parcel 42 – Rezone from R-N and COM (portion) to R-VC.

Parcels 16 and 17 – Rezone the portions of these properties currently zoned COM to R-N.

Action taken 11/28/2007

ARTICLE 17. Petition - College/South East Street and Belchertown Road Rezoning
(Coalition for Sustainable Neighborhoods)

DISMISSED ["To see if the Town will amend the Official Zoning Map to change the zoning designation for the following parcels, all on Assessor's Map 15C;

Parcel 47 – Rezone that portion of the parcel currently zoned R-N to COM.

Parcel 7 – Rezone the portions of the parcel currently zoned COM and R-N to B-VC

Parcels 8 – Rezone from R-N to B-VC.

Parcels 3, 4, 9 and 41 – Rezone from R-N to R-VC

Parcel 42 – Rezone from COM and R-N to R-VC

Parcels 16 and 17 – Rezone the portions of each parcel currently zoned COM to R-N.”]

Action taken 11/28/2007

ARTICLE 18. Petition - Zoning Map - 500-502 Sunderland Road (Bergstrom)

VOTED unanimously to refer this article to the Planning Board ["To see if the Town will amend the Official Zoning Map to change the zoning district designation on Assessors Map 2A, Parcels 51 and 52 from Outlying Residence (R-O) and Low Density Residence/Farmland Conservation overlay (RLD/FC) to Village Center Residence (R-VC).”]

Action taken 11/28/2007

ARTICLE 19. Petition – Main/Dickinson/High Street Rezoning
(Coalition for Sustainable Neighborhoods)

VOTED unanimously to refer this article to the Planning Board ["To see if the Town will amend the Official Zoning Map to change the zoning designation for the following parcels, all on Assessor's Map 14B:

Parcel 28 – Rezone from R-G to B-VC, contingent upon town meeting voting to authorize the Select Board to accept a restrictive covenant foregoing some uses allowed in the B-VC District;

Parcels 53, 56, 57 and 130 – Rezone from COM to R-G

Parcels 58, 59 and 128 – Rezone from COM to B-VC

Parcel 66 – Rezone from R-G to B-VC, contingent upon town meeting voting to authorize the Select Board to accept a restrictive covenant limiting future use of the property to the current use;

Parcels 129 and 234 – Rezone those portions of the parcels currently zoned COM to B-VC

Parcel 131 – Rezone from R-G to B-VC.”]

Action taken 11/28/2007

ARTICLE 20. Petition – Waiver of Effluent Fees to UMASS – Strategic Partnership Agreement
(Kelley)

DEFEATED ["To see if the town will strongly urge the Select Board to rescind their 9/17/07 3-2 vote as Sewer Commissioners to waive effluent fees to Umass, Amherst over the five years of the “strategic agreement.”]

Action taken 11/28/2007

The business of the warrant having been completed, the meeting voted to dissolve at 10:16 p.m. on Wednesday, November 28, 2007. 176 town meeting members were checked in.

Attest:

Sandra J. Burgess
Town Clerk

**SPECIAL TOWN MEETING
November 28, 2007**

The meeting was televised by Amherst Community Television and shown on the Government Channel.

The Special Town Meeting was called to order by the Moderator, Harrison Gregg at 7:44 p.m. There were 247 town meeting members. 124 checked in and a quorum was declared. The call and the return of the warrant were read by Town Clerk, Sandra J. Burgess.

James W. Pistrang, Nonny Burack, Hilda B. Greenbaum, James E. Scott, Jeffrey C. Lee and Nancy M. Gordon were sworn in as tellers.

ARTICLE 1. Office Uses (Planning Board)

VOTED to amend Section 3.3, Footnote f. of Table 3, Dimensional Regulations, and Sections 7.104, 10.38, and 11.24 of the Zoning Bylaw, by deleting the lined-out language and adding the language in *bold italics*, as follows:

A VOTED unanimously, as amended, to amend the second paragraph of Section 7.104, and Sections 10.392, 10.393, 11.2414 and 11.2417, as follows:

7.104

Driveways shall be located and designed so as to minimize conflict with traffic and provide clear visibility and sight distances for the observation of approaching pedestrian and vehicular traffic. ***The design and layout of driveways and circulation serving parking areas of 5 or more spaces shall prevent vehicles from backing into a street in order to exit the site. Circulation design, layout, and signs associated with non-residential uses shall direct exiting vehicles in a safe and convenient manner toward main thoroughfares and away from secondary streets passing through adjacent residential neighborhoods.*** No portion of the driveway at the edge of the street pavement shall be closer than 75 feet from an intersection, unless allowed by the ***Special Permit Granting Authority or P***~~ermit~~ ***Granting Board.***

10.392

The proposal provides adequate landscaping, including the screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage. ***When a non-residential use adjoins a residential district, an uninterrupted vegetated buffer shall, to the extent feasible, be established and maintained between buildings associated with uses under this section and the nearest residential property boundaries. Where natural, undisturbed vegetation already exists on-site prior to site preparation and clearing, the majority of that vegetation may be retained and included as part of the buffer, along with the addition of such new plantings, selective removals, and other management of site plantings as are determined to be necessary to maintaining an effective year-round visual screen. See Section 11.3.***

10.393

The proposal provides protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and exterior lighting, through use of

cut-off luminaries, light shields, lowered height of light poles, screening, or similar solutions. *Except for architectural and interior-lit signs, all exterior site lighting shall be downcast and shall be directed or shielded to eliminate light trespass onto any street or abutting property and to eliminate direct or reflected glare perceptible to persons on any street or abutting property and sufficient to reduce a viewer's ability to see. All site lighting, including architectural, sign, and parking lot lighting, shall be kept extinguished outside of those business hours established under an approved site management plan, except for lighting determined to be necessary for site security and the safety of employees and visitors.*

11.2414 Provision of adequate landscaping, including the screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage. *When a non-residential use adjoins a residential district, an uninterrupted vegetated buffer shall, to the extent feasible, be established and maintained between buildings associated with uses under this section and the nearest residential property boundaries. Where natural, undisturbed vegetation already exists on-site prior to site preparation and clearing, the majority of that vegetation may be retained and included as part of the buffer, along with the addition of such new plantings, selective removals, and other management of site plantings as are determined to be necessary to maintaining an effective year-round visual screen. See Section 11.3.*

11.2417 Protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and building exterior lighting, through the use of cut-off luminaries, light shields, lowered height of light poles, screening or similar solutions. *Except for architectural and interior-lit signs, all exterior site lighting shall be downcast and shall be directed or shielded to eliminate light trespass onto any street or abutting lot property and to eliminate direct or reflected glare perceptible to persons on any street or abutting property and sufficient to reduce a viewer's ability to see. All site lighting, including architectural, sign, and parking lot lighting, shall be kept extinguished outside of those business hours established under an approved site management plan, except for lighting determined to be necessary for site security and the safety of employees and visitors.*

B VOTED unanimously to amend Footnote f. of Table 3, Dimensional Regulations, as follows:

- f. *Except as may be otherwise provided for specific uses,* ~~r~~Rear and side yards shall be at least 50 feet when the affected property is adjoining a Residence District. Otherwise, rear and side yards shall be at least 10 feet.

C VOTED by a declared two-thirds to

combine and amend Sections 3.358 and 3.359 as follows, renumbering the remaining sections accordingly:

3.358 *Office Uses*

3.358.0 Bank, loan agency, real estate, insurance or other business or professional office providing services to the public in person on the premises.

R-0

R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	COM	OP	LI	PRP	FPC
N	N	N	N	N	SPR	SPR	SPR	SPR	SPR	N	N	N

3.358.1 *Technical or professional office such as architect, engineer, lawyer, financial services, or similar office providing services predominantly by appointment to the public in person on the premises.*

R-0

R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	COM	OP	LI	PRP	FPC
N	N	SP	N	N	SPR	SPR	SPR	SPR	SPR	N	SPR	N

Standards & Conditions

For the purposes of this section, the public shall be defined as including all persons acting as customers or clients receiving services. “Predominantly by appointment” shall mean that a majority of customers or clients who are provided services in person on the premises during any extended period of operation (monthly, quarterly, or annually) shall do so through prior appointment. Exceptions shall be discretionary follow-up visits by customers or clients with regard to services already provided, visits by affiliated professionals or consultants, salespersons, service contractors (delivery, maintenance, etc.), and the like. Office uses under this section shall advertise their on-premises services as being available to the general public only by appointment.

3.358.2 *Administrative business office or similar Bbusiness or professional office not providing services to the general public in person on the premises.*

R-0

R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	COM	OP	LI	PRP	FPC
N	N	SP	N	N	SPR	SPR	SPR	SPR	SPR	SPR	SPR	N

For the purposes of these sections, the public shall be defined as including all persons acting as customers or clients. Exceptions shall be affiliated professionals or consultants, salespersons, service contractors (delivery, maintenance, etc.), and the like. No office use under section shall advertise its services as being available to customers and clients on the premises. Services shall be advertised as being available exclusively by telephone, mail, on-line, or other remote means.

-[For Sections 3.358.1 and 3.358.2, inclusive]

In the PRP District, uses under these sections shall be located on parcels served by town water and sewer. Notwithstanding the provisions of footnote f., of Table 3, Dimensional Regulations, when a use under these sections is located on a property adjoining a residential district, a minimum 50-foot uninterrupted vegetated buffer shall be established and maintained between buildings associated with uses under this section and the nearest residential property boundaries. When the Special Permit Granting Authority or Permit Granting Board determine that an increased buffer is warranted and the subject property and site layout allow, a vegetated buffer of up to 100 feet in width may be required. Said buffer may include any drives or roadways.

In the R-VC District, the Zoning Board of Appeals may grant a Special Permit for *an office use under Sections 3.358.1 or 3.358.2* ~~professional or office uses not dealing directly with the general public. The Zoning Board of Appeals may grant a Special Permit~~ providing it finds that, in addition to meeting the provisions of Article 7 and Section 10.38, the proposed office use meets the following conditions:

6. Is located on the ground floor only, and occupies no more than 50 percent of the gross floor area of the structure, exclusive of storage space.
7. Shall be allowed only as a second Principal use, where the first Principal use is a residential use ~~consisting of one dwelling unit.~~
8. Shares a property line with or is adjacent to another property with a similar use permitted under this section or a property in the B-L, B-VC or COM districts.
4. Employs no more than *3 persons (for a Section 3.358.1 office) or 5 persons (Section 3.358.2)* who work on-site, *other than residents of the property.*
5. Where located in an existing building, the residential character of the structure and site shall be maintained.

Action taken 11/28/2007

The business of the warrant having been completed, the meeting voted to dissolve at 8:43 p.m. on Wednesday, November 28, 2007. 176 town meeting members were checked in.

Attest:

Sandra J. Burgess
Town Clerk

PRESIDENTIAL PRIMARY February 5, 2008

In accordance with the warrant the polls were opened at 7:00 a.m. and closed at 8:00 p.m. The voters cast their ballots in their respective precincts. The results were as follows:

	DEMOCRATIC										
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>Total</u>
Presidential Preference											

John R. Edwards	6	5	5	3	14	13	8	14	6	7	81
Hillary Clinton	136	242	104	104	167	305	236	364	194	102	1954
Joseph R. Biden, Jr.	1	1	0	0	0	0	1	0	0	0	3
Christopher J. Dodd	0	0	0	0	0	1	0	1	0	0	2
Mike Gravel	1	0	1	1	0	2	1	0	2	0	8
Barack Obama	291	477	213	215	351	611	527	749	465	242	4141
Dennis J. Kucinich	4	3	1	0	1	8	4	4	8	6	39
Bill Richardson	0	0	0	0	0	1	1	3	0	0	5
No Preference	0	0	1	1	0	0	3	0	1	0	6
All Others	0	0	0	0	0	0	1	0	1	1	3
Blanks	1	0	0	0	0	0	0	2	0	0	3
Total	440	728	325	324	533	941	782	1137	677	358	6245

State Committee Man

William R. Rosen	246	380	187	160	295	529	444	633	381	204	3459
All Others	1	0	0	2	2	0	2	1	6	1	15
Blanks	193	348	138	162	236	412	336	503	290	153	2770
Total	440	728	325	324	533	941	782	1137	677	358	6245

State Committee Woman

Janet Sinclair	244	373	184	158	300	516	443	619	384	200	3421
All Others	0	0	0	2	1	0	1	1	5	0	10
Blanks	196	355	141	164	232	425	338	517	288	158	2814
Total	440	728	325	324	533	941	782	1137	677	358	6245

Town Committee

*Diana B. Stein	0	1	1	0	4	7	4	9	10	2	38
*Merrylees Turner	0	1	0	0	7	7	3	9	6	2	35
*Thomas F. Plaut	0	1	1	0	2	7	4	8	9	1	33
*Anne S. Awad	0	1	0	0	4	8	3	9	6	1	32
*Ellen Story	0	1	1	0	4	9	3	8	5	1	32
*Joan Ross Logan	0	1	1	0	3	10	3	8	5	1	32
*Leo C. Maley III	0	1	1	0	5	7	3	9	5	1	32
*Paul E. Drummond	0	1	1	0	2	12	3	7	5	1	32
*Peter Vickery	0	1	0	0	5	8	3	9	5	1	32
*H. Oldham Brooks	0	1	0	0	4	7	3	9	6	1	31
*Sarah McKee	0	1	1	0	4	7	3	8	6	1	31
*Carol Jeannette Gray	0	1	0	0	4	7	4	8	5	1	30
*Keri L. Heitner	0	1	1	0	3	8	3	8	5	1	30
*Mary L. Wentworth	0	1	0	2	1	7	3	9	6	1	30
*Alice C. Swift	0	1	1	0	3	7	3	8	5	1	29
*John C. Bonifaz	0	1	2	0	3	7	3	7	5	1	29
*Richard E. Fay	0	1	1	0	1	8	3	8	6	1	29
*Ruth E. Backes	0	1	0	0	5	7	3	7	5	1	29
*Steven D. Brewer	0	1	1	0	2	8	3	8	5	1	29
*Bruce K. Lee	0	1	0	0	3	7	3	7	6	1	28
*Eduardo U. Suarez-Fernandez	0	2	0	0	3	7	3	7	5	1	28
*Janet Klausner-Wise	0	1	1	0	2	7	3	8	5	1	28
*Jean G. Fay	0	1	1	0	1	8	3	8	6	0	28
*Michael Wolff	0	1	1	0	3	7	3	7	5	1	28
*Richard N. Bentley	0	1	0	0	2	7	3	7	5	3	28
*Herschel S. Shohan	0	1	0	0	2	7	3	8	5	1	27
*G. Devon Bascomb	0	1	0	0	2	7	3	7	5	1	26

*Sylvia E. Cuomo	0	1	0	0	1	8	3	7	5	1	26
*Joseph S. Tarallo	0	1	0	0	1	7	3	7	5	1	25
*Chadwick Johnson	0	1	0	0	0	7	3	7	0	0	18
*Hwei-Ling Greeney	0	1	0	0	3	1	0	1	0	0	6
All Others	6	8	4	21	10	7	16	23	26	9	130
Blanks	15394	25440	11355	11317	18556	32700	27261	39535	23507	12489	217554
Total	15400	25480	11375	11340	18655	32935	27370	39795	23695	12530	218575

REPUBLICAN PARTY

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>Total</u>
Presidential Preference											
John McCain	24	36	28	33	25	52	41	70	20	10	339
Fred Thompson	0	1	0	0	1	0	0	0	0	0	2
Tom Tancredo	0	0	0	0	0	0	0	0	0	0	0
Duncan Hunter	0	0	0	0	0	0	0	0	0	0	0
Mike Huckabee	4	6	0	0	2	8	7	4	1	1	33
Mitt Romney	12	25	12	7	13	34	18	50	12	9	192
Ron Paul	4	5	2	2	2	6	7	7	10	2	47
Rudy Giuliani	1	1	0	1	0	0	0	2	0	0	5
No Preference	1	1	0	1	0	1	0	0	0	0	4
All Others	0	0	0	0	0	1	0	0	0	0	1
Blanks	0	0	0	0	1	0	0	1	0	1	3
Total	46	75	42	44	44	102	73	134	43	23	626

State Committee Man

Isaac James Mass	19	21	21	20	21	45	26	63	17	10	263
All Others	0	0	0	0	2	0	1	0	0	0	3
Blanks	27	54	21	24	21	57	46	71	26	13	360
Total	46	75	42	44	44	102	73	134	43	23	626

State Committee Woman

All Others	4	0	0	0	2	0	8	0	0	0	14
Blanks	42	75	42	44	42	102	65	134	43	23	612
Total	46	75	42	44	44	102	73	134	43	23	626

Town Committee

Paulette C. Brooks	15	12	14	15	15	39	26	48	15	10	209
Florence M. Boynton	17	13	17	15	16	36	28	54	17	12	225
Doris R. Holden	17	17	17	22	20	40	27	62	19	11	252
Daniel E. Clapp	17	18	17	18	15	38	28	54	16	10	231
Barbara A. Fenton	18	14	18	16	21	37	27	57	15	11	234
All Others	3	0	0	0	1	3	2	0	1	0	10
Blanks	1523	2551	1387	1454	1452	3377	2417	4415	1422	751	20749
Total	1610	2625	1470	1540	1540	3570	2555	4690	1505	805	21910

GREEN-RAINBOW PARTY

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>Total</u>
Presidential Preference											
Jared Ball	0	0	0	0	0	0	0	0	0	0	0
Ralph Nader	0	2	1	2	1	1	0	1	7	0	15
Elaine Brown	0	0	0	0	0	0	0	0	0	0	0
Kat Swift	1	0	0	0	0	0	0	0	0	0	1
Cynthia McKinney	3	1	1	0	2	1	0	3	5	0	16

Kent Mesplay	0	0	0	1	2	0	0	0	1	0	4
No Preference	0	0	0	0	0	1	0	0	0	1	2
All Others	1	0	0	0	2	1	0	1	0	0	5
Blanks	0	0	0	0	0	0	0	0	0	0	0
Total	5	3	2	3	7	4	0	5	13	1	43

State Committee Man

All Others	0	0	1	0	0	0	0	0	0	0	1
Blanks	5	3	1	3	7	4	0	5	13	1	42
Total	5	3	2	3	7	4	0	5	13	1	43

State Committee Woman

All Others	0	0	1	0	0	0	0	0	0	0	1
Blanks	5	3	1	3	7	4	0	5	13	1	42
Total	5	3	2	3	7	4	0	5	13	1	43

Town Committee

Frank M. Gatti	4	2	2	2	1	2	0	5	8	1	27
Eleanor R. Manire-Gatti	4	2	2	2	1	1	0	4	8	1	25
Robert J. Crowner	4	2	2	2	1	1	0	4	10	1	27
Vincent J. O'Connor	5	2	2	1	2	1	0	4	8	1	26
Thomas Paul Flittie	4	2	2	2	2	1	0	4	8	1	26
Emily G. Lewis	4	2	2	2	3	2	0	4	8	1	28
Laurence D. Ely, III	4	2	2	2	3	1	0	4	8	1	27
All Others	0	0	0	0	0	0	0	0	0	0	0
Blanks	21	16	6	17	57	31	0	21	72	3	244
Total	50	30	20	30	70	40	0	50	130	10	430

WORKING FAMILIES PARTY

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>Total</u>
Presidential Preference											
No Preference	0	0	0	0	0	0	0	0	0	0	0
All Others	0	0	0	0	0	0	1	0	1	1	3
Blanks	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	1	0	1	1	3
State Committee Man											
All Others	0	0	0	0	0	0	0	0	0	0	0
Blanks	0	0	0	0	0	0	1	0	1	1	3
TOTAL	0	0	0	0	0	0	1	0	1	1	3
State Committee Woman											
All Others	0	0	0	0	0	0	0	0	0	0	0
Blanks	0	0	0	0	0	0	1	0	1	1	3
TOTAL	0	0	0	0	0	0	1	0	1	1	3
Town Committee											
All Others	0	0	0	0	0	0	0	0	0	0	3
Blanks	0	0	0	0	0	0	10	0	10	10	27
<u>TOTAL</u>	0	0	0	0	0	0	10	0	10	10	30

* write-in

Pct Dem. Dem. Rep. Rep. G-R G-R WF WF Unenrolled P.M. %

	Ballots Cast	Reg.	Ballots Cast	Reg.	Ballots Cast	Reg.	Ballots Cast	Reg.	Voters	Return	Voting
1	440	675	46	86	5	19	0	0	715	9:30	32.54
2	728	852	75	93	3	9	0	0	536	9:45	53.88
3	325	493	42	72	2	11	0	0	494	11:25	34.29
4	324	559	44	73	3	3	0	0	453	11:01	33.79
5	533	714	44	95	7	19	0	1	649	11:01	39.33
6	941	1078	102	141	4	21	0	0	859	9:35	49.57
7	782	960	73	113	0	19	1	1	808	11:17	44.63
8	1137	1344	134	176	5	32	0	0	912	10:00	51.56
9	677	985	43	119	13	32	1	1	921	11:00	35.46
10	358	546	23	51	1	5	1	0	486	10:25	35.07
Total	6245	8206	626	1019	43	170	3	3	6833		42.36

Dem. = Democratic Party
Rep. = Republican Party

G-R = Green-Rainbow Party
WF = Working Families

The public announcement was made at 11:30 p.m. 6,917 ballots were cast, representing 42.36% of the 16,231 registered voters qualified to vote in the February 5, 2008 Presidential Primary.

Attest:

Sandra J. Burgess
Town Clerk

RESULTS ANNUAL TOWN ELECTION April 1, 2008

In accordance with the Warrant, the polls were opened at 7:00 a.m. and closed at 8:00 p.m. The voters cast their ballots in their respective precincts. The results were as follows:

	1	2	3	4	5	6	7	8	9	10	TOTAL
MODERATOR											
Harrison L. Gregg	113	291	162	138	153	321	230	439	219	110	2176
*Nancy M. Gordon	47	85	32	26	94	102	125	184	93	63	851
All Others	0	0	0	0	1	2	1	1	0	0	5
Blanks	34	96	29	45	54	103	73	130	66	37	667
TOTAL	194	472	223	209	302	528	429	754	378	210	3699

SELECT BOARD											
Stephanie J. O'Keeffe	115	305	142	145	147	315	206	421	230	116	2142
*Irvin E. Rhodes	38	79	49	29	71	103	150	190	55	31	795
*Hwei-Ling Greeney	77	175	68	58	141	197	169	291	123	95	1394
Diana B. Stein	118	275	139	136	164	318	227	445	264	118	2204
*David T. Keenan	5	26	7	8	18	32	26	42	19	13	196
All Others	0	0	1	0	1	0	0	0	1	0	3
Blanks	35	84	40	42	62	91	80	119	64	47	664
TOTAL	388	944	446	418	604	1056	858	1508	756	420	7398

SCHOOL COMMITTEE											
Catherine A. Sanderson	97	328	145	147	172	363	245	219	219	123	2058
*Chrystel D. Romero	66	86	56	35	89	126	138	147	109	55	907

All Others	0	0	0	0	1	0	1	0	0	0	2
Blanks	31	58	22	27	40	39	45	388	50	32	732
TOTAL	194	472	223	209	302	528	429	754	378	210	3699

JONES LIBRARY TRUSTEE (three years)

Christopher J. Hoffmann	62	170	78	81	119	208	181	277	138	84	1398
Patricia G. Holland	110	243	124	100	175	274	234	394	197	110	1961
All Others	1	2	1	0	0	0	2	3	1	0	10
Blanks	215	529	243	237	310	574	441	834	420	226	4029
TOTAL	388	944	446	418	604	1056	858	1508	756	420	7398

JONES LIBRARY TRUSTEE (two years)

Louis S. Greenbaum	109	238	119	97	171	288	245	391	217	116	1991
All Others	0	0	0	1	3	1	1	2	0	1	9
Blanks	85	234	104	111	128	239	183	361	161	93	1699
TOTAL	194	472	223	209	302	528	429	754	378	210	3699

ELECTOR, OLIVER SMITH WILL

John W. Coull	70	209	87	72	104	189	130	273	132	70	1336
*Kevin P. Joy	38	79	46	37	78	124	152	162	108	38	862
All Others	0	1	1	0	1	1	1	1	0	1	7
Blanks	86	183	89	100	119	214	146	318	138	101	1494
TOTAL	194	472	223	209	302	528	429	754	378	210	3699

REDEVELOPMENT AUTHORITY (five years)

*Carol Jeannette Gray	47	86	51	28	100	137	158	223	86	45	961
Margaret R. Roberts	58	175	82	91	97	171	129	246	166	72	1287
All Others	0	0	0	0	1	0	0	2	0	1	4
Blanks	89	211	90	90	104	220	142	283	126	92	1447
TOTAL	194	472	223	209	302	528	429	754	378	210	3699

REDEVELOPMENT AUTHORITY (three years)

Aaron A. Hayden	65	184	95	107	114	209	161	335	134	69	1473
*James Burgess Oldham	49	92	40	28	105	117	136	156	116	53	892
All Others	1	0	0	0	2	0	0	1	0	1	5
Blanks	79	196	88	74	81	202	132	262	128	87	1329
TOTAL	194	472	223	209	302	528	429	754	378	210	3699

* Defeated

TOWN MEETING MEMBERS

Precinct I, three years (8)

Eric N. Nazar	105	Patricia G. Holland	103
Kenton F. Tharp	114	James J. Wald	110
Hilda B. Greenbaum	94	Louis S. Greenbaum	94
Vincent J. O'Connor	103	Flo R. Stern	100

Precinct II, three years (8)

*Bruce C. Carson	168	Alice A. Carlozzi	217	Isaac BenEzra	193
Adrienne Levine	186	*Deborah Zeidenberg	119	Barbara M. Levine	205
James W. Pistrang	250	Daniel E. Clapp	205		
John W. Coull	231	Barbara C. Ford	231		

Precinct III, three years (8)

Precinct III, two years (1)

Merle L. Howes	121	John S. Ingram	103	Robert B. Kusner	90
Lawrence Orloff	84	Sonya Bergquist	123		
Nancy N. Gregg	137	Lynne K. Weintraub	94		
*Denise R. Kim-Kusner	71	Peter Vickery	131		
Peter J. Gray-Mullen	109				

Precinct IV, three years (8)

George E. Ryan	108
Kay J. Moran	132
Baer Tierkel	122
Patrick E. Brock	105
Steven A. Shumway	110
Alan W. Powell	86
@+Lauren C. Kanner	1
@+Lynne W. Stern	1

Precinct IV, two years (1)

Carol M. Johnson	136
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Precinct IV, one year (1)

Doris R. Holden	125
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Two write-in candidates received two votes each. Both declined their election. The next highest vote getters all received one vote each. In accordance with Section 1.541 of the Amherst Town Government Act a special meeting of the remaining Precinct 4 town meeting members was held on April 16, 2008 and Lauren C. Kanner and Lynne W. Stern were elected to fill the remaining two vacancies.

Precinct V, three years (8)

Donald S. Pitkin	165
Nancy E. Foster	159
James Burgess Oldham	150
Chrystel D. Romero	158
Patricia K. Church	149
@Kevin Eddings	6
@Barry Federman	2
+@ Zella B. Harrington	1

Precinct V, two years (1)

George R. Scialoia	168
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Precinct V, one year (2)

Ruth E. Backes	156
Marilyn J. Rodzwell	148

A write-in candidate who received five write-in votes declined the position. The next highest vote getters had 1 vote each. In accordance with Section 1.541 of the Amherst Town Government Act a special meeting of the remaining Precinct 5 town meeting members was held on April 16, 2008 and Zella B. Harrington was elected to fill the vacancy

Precinct VI, three years (8)

Faythe E. Turner	227
Kevin J. Hannon	149
*Stanley Maron	125
Marilyn Hecht Blaustein	294
Ralph P. Hill	207

Precinct VI, one year (1)

H. Oldham Brooks	199
Gordon A. Freed	267
Douglas Wesley Slaughter	207
Jeffrey D. Blaustein	284

Precinct VI, one year (1)

Paulette C. Brooks	162
*Peter C.K. Michaels	116
*Joseph M. Wronka	39

Precinct VII, three years (8)

Alice B. Morse	211
Harvey D. Allen	181
Adrienne M. Terrizzi	229
Ernest J. Dalkas	129

Irvin E. Rhodes	292
*Michael Anthony Bell, Jr.	108
*Steven Phillip Hoeschele	115
Karen Marie Lennon	185

Kenneth R. Hoffman	155
*Michael D. Olkin	106
Gina M. Fusco	215
*David T. Keenan	111

Precinct VIII, three years (8)

John W. Kick	223
Jenifer E. McKenna	347
Mary Streeter	285
*Laurence D. Ely III	187
*Robert Todd Felton	217
Aaron A. Hayden	328

Precinct VIII, one year (2)

Barry L. Roberts	401
*Frank M. Gatti	219
*Eleanor R. Manire-Gatti	188
*Sean R. DeMoranville	107
Ruth F. Hooke	274
Charles E. Clifton	228

Precinct VIII, one year (2)

Kerry Ana Manire	280
Adan D. Martinez	298

Precinct IX, three years (8)

Otto L. Stein	257	Dade Singapuri	154	@+Michael A. Ash	1
^Diana B. Stein	270	+Steven G. Randall	129	@+Robie Hubley	1
Robert J. Crowner	147	Denise Renee Barberet	138		
Felicity P. Callahan	177	Jonathan P. O'Keeffe	177		
Emily G. Lewis	142				

Two vacancies occurred in Precinct 9 due to Stephanie O'Keeffe's election to the Select Board and a resignation received after the election. In accordance with Section 1.541 of the Amherst Town Government Act, a special meeting of the remaining Precinct 9 town meeting members was held on April 16, 2008 and Michael A. Ash and Robie Hubley were elected to fill the two remaining vacancies.

Precinct X, three years (8)

Nancy M. Gordon	124
Jeremiah M. Allen	110
Richard N. Bentley	117
Hwei-Ling Greeney	138
Tambetsu Moran Parks	96
Brett J. Butler	114
Stephen R. Braun	114
Lewis C. Mainzer	139

Precinct X, two years (3)

William Alan Miller	112
Philip S. Jackson	124
Keith R. Ulrich	121

Precinct X, one year (1)

Regina B. Rheault	103
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@ Write-In Candidates

* Defeated

+ Section 1.541 Amherst Town Government Act

^ Ex-Officio Town Meeting Member

<u>Precinct</u>	<u>Ballots Cast</u>	<u>Number Registered</u>	<u>PM Return Time</u>	<u>% Turnout</u>
1	194	1501	9:06	12.92
2	472	1498	9:30	31.51
3	223	1079	9:45	20.67
4	209	1077	9:34	19.41
5	302	1495	9:34	20.20
6	528	2109	9:05	25.04
7	429	1938	9:35	22.14
8	754	2504	10:04	30.11
9	378	2040	8:50	18.53
10	210	1088	9:27	19.30
TOTAL	3699	16329	- - -	22.65

The public announcement was made at 10:04 p.m. on April 1, 2008. 3,699 ballots were cast, representing 22.65% of the 16,329 voters registered.

Attest:

Sandra J. Burgess
Town Clerk

RESULTS
ANNUAL TOWN MEETING
April 28, 30, May 5, 12, 14, 19, 21, 28, June 2 and 11, 2008

The meeting was televised by Amherst Community Television and shown on the government channel.

The 249th Annual Town Meeting was called to order by the Moderator, Harrison Gregg at 7:40 p.m.* There were 254 town meeting members. 128 checked in and a quorum was declared. The call and the return of the warrant were read by Town Clerk, Sandra J. Burgess.

The Town Moderator was sworn to the faithful performance of his duties. Town meeting members were sworn to the faithful performance of their duties.

The Moderator acknowledged the election of town wide officers, and asked the meeting to remember those current and former town meeting members who had died in the past year. Remembered were: John Dittfach, Caroline Olson, and Ned Markert. Nathaniel Reed and Frederick W. Steinbeck were also remembered for their service to the town as Select Board members.

Town Meeting voted to consider Article 8 at 7:30 p.m. on May 19, 2008.

ARTICLE 1. Reports of Boards and Committees (Select Board)

VOTED unanimously to hear only those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

Action taken on 4/28/2008.

Reports were heard from the Town Meeting Coordinating Committee, Comprehensive Planning Committee, and the 250th Anniversary Celebration Committee.

ARTICLE 2. Transfer of Funds – Unpaid Bills (Select Board)

DISMISSED [To see if the Town will, in accordance with Chapter 44, section 64, of the Massachusetts General Laws, appropriate and transfer a sum of money to pay unpaid bills of previous years.]

Action taken on 4/28/2008.

ARTICLE 3. Optional Tax Exemptions (Select Board)

VOTED unanimously to authorize a maximum additional exemption of up to 100 percent for taxpayers qualifying for exemption under Chapter 59, Section 5, Clauses 17D, 22, 37A, or 41C of the Massachusetts General Laws.

Action taken on 4/28/2008.

ARTICLE 4. Personal Property Exemptions (Select Board)

VOTED unanimously to authorize the maximum exemption of up to \$5,000 for personal property accounts of \$5,000 or less under Chapter 59, Section 5, Clause 54th of the Massachusetts General Laws.

Action taken on 4/28/2008.

ARTICLE 5. Authorization for Compensating Balances (Select Board)

VOTED to accept the provisions of Chapter 44, section 53F of the Massachusetts General Laws, which authorize the Treasurer to enter into written agreements with banking institutions pursuant to which the Treasurer agrees to maintain funds on deposit in exchange for banking services.

Action taken on 4/28/2008.

ARTICLE 6. Retirement Assessment (Select Board)

VOTED unanimously to raise and appropriate \$2,917,009 for the Hampshire County Retirement System assessment.

Action taken on 4/28/2008.

ARTICLE 7. Regional Lockup Assessment (Select Board)

VOTED to raise and appropriate \$31,323 for the Hampshire County Regional Lockup Facility assessment.

Action taken on 4/28/2008.

ARTICLE 8. FY 08 Budget Amendments (Finance Committee)

VOTED to amend the action taken under Article 17 of the 2007 Annual Town Meeting – Fiscal Year 2008 Operating Budget by increasing the appropriations and the amounts to be raised by taxation for the following accounts by \$254,000: Public Safety by \$184,000 and Public Works by \$70,000, and to meet such increased appropriation by decreasing the appropriation and the amount to be raised by taxation for the following accounts by \$254,000: General Government by \$122,000, Planning, Conservation, and Inspections by \$69,000, and Community Services by \$63,000.

Action taken 5/19/2008.

ARTICLE 9. Town Libraries Revolving Fund (Jones Library Trustees)

DISMISSED [To see if the Town will approve the creation of a revolving fund, pursuant to Massachusetts General Laws, Chapter 44, section 53E ½, and any other authority, into which library overdue fines will be deposited and used for library operations.

Action taken 4/28/2008.

ARTICLE 10. Amherst-Pelham Regional School District Assessment Method (Amherst-Pelham Regional School Committee)

VOTED unanimously to approve following the existing Amherst-Pelham Regional School District Agreement for allocating the total amount to be contributed by each member town of the District for Fiscal Year 2009 as required by Section VI of the Regional Agreement.

Action taken on 4/28/2008.

ARTICLE 11. Amherst-Pelham Regional School District Assessment Method (Amherst-Pelham Regional School Committee)

A. VOTED unanimously to approve an amendment to Section X of the Regional Agreement of the Amherst-Pelham Regional School District to shift the cost of providing transportation to elementary school students from the regional budget to the budgets of the elementary school districts served.

Action taken 4/28/2008.

B VOTED unanimously to approve an amendment to Section VI of the Regional Agreement of the Amherst-Pelham Regional School District to read ‘If the amount of unencumbered surplus funds of the district at the end of any fiscal year exceeds 5.0 percent of the budgeted operating and capital costs for the succeeding fiscal year, an amount at least equal to the amount of such excess shall be applied by the committee to reduce the amounts certified to the participating towns for such succeeding fiscal year in accordance with Section VII.

Action taken on 4/28/2008.

ARTICLE 12. FY2009 Operating Budget (Finance Committee)

PUBLIC SAFETY

VOTED to appropriate \$8,160,644 for Public Safety and to meet such appropriation \$6,362,614 be raised by taxation and \$1,798,030 be transferred from the Ambulance Receipts Reserved for Appropriation Account.

Action taken on 4/28/2008.

**A motion made by Ms. Stern to increase Public Safety by \$97,356 was defeated.*

At 10:16 p.m. on April 28, 2008, the meeting voted to adjourn to Wednesday, April 30, 2008 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 194 town meeting members were checked in.

* * *

The April 30, 2008 session, adjourned from April 28, 2007, was called to order by the Town Moderator, Harrison Gregg, at 7:39 p.m. 128 town meeting members were checked in.

Town Meeting voted the following procedural motions:

To consider the Elementary School and Regional School sections of Article 12 at 7:30 p.m. on Monday, May 5.

To consider Article 26 on Monday, May 19 at 7:35 p.m.

Jeffrey C. Lee, James W. Pistrang, H. Oldham Brooks, Hilda B. Greenbaum, Nancy M. Gordon, and Nonny Burack were sworn in as tellers by the Moderator.

PUBLIC WORKS

VOTED to raise and appropriate \$1,726,974 for Public Works.

Action taken on 4/30/2008.

**A motion made by Mr. O'Connor to increase Public Works by \$60,000 was defeated.*

PLANNING/CONSERVATION/INSPECTIONS

VOTED YES 121, NO 52 to raise and appropriate \$851,853 for Planning/Conservation/ Inspections.

Action taken 4/30/2008.

**Motions were made to decrease Planning/Conservation/Inspections: Mr. Gawle by \$36,861, Mr. Smith by \$80,000, and Ms. Greeney by \$85,843. The Finance Committee motion was voted on first in accordance with Article 1, Section 7, of the Town of Amherst General Bylaws. The Finance Committee motion passed and the three motions to decrease failed by default.*

COMMUNITY SERVICES

VOTED to raise and appropriate \$1,699,567 for Community Services.

Action taken on 4/30/2008.

**A motion made by Mr. O'Connor to increase Community Services by \$29,288 was defeated. Tally vote: Yes 65, No 94.*

* * *

At 10:25 p.m. on April 30, 2008, the meeting voted to adjourn to Monday, May 5, 2008 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 187 town meeting members were checked in.

* * *

The May 5, 2008 session, adjourned from April 30, 2008, was called to order by the Town Moderator, Harrison Gregg, at 7:42 p.m. 128 town meeting members were checked in.

Procedural Motion

James Scott was sworn in as teller prior to the tally vote on the procedural motion.

VOTED Yes 121, No 69, as amended, that consideration of the Library Services Budget be postponed to 7:30 p.m. on May 12, 2008, and that consideration of the Elementary and Regional School budgets be postponed to Wednesday, May 21, 2008 at 7:30 p.m. and that all other motions under Article 12 be considered in the order in which they appear in the Finance Committee booklet.

**A vote on the main motion would have postponed the Library Services budget to May 12, 2008 at 7:30 p.m. and have the Elementary and Regional School budgets considered in the order in which they appear in the Finance Committee booklet.*

GENERAL GOVERNMENT

VOTED to appropriate \$6,152,525 for General Government, that the salary of the Moderator be fixed at \$100, that of the Select Board at \$300 each, that of the Elector under the Oliver Smith Will at \$20, and to meet such appropriation \$6,066,737 be raised by taxation and \$85,788 be transferred from the Ambulance Receipts Reserved For Appropriation Account.

Action taken on 5/5/2008.

**Motions were made by Mr. O'Connor to increase General Government by \$60,000, and by Mr. Gawle to decrease General Government by \$43,000. The O'Connor amendment was voted on first in accordance with Article 1, Section 7, of the Town of Amherst General Bylaws. The O'Connor amendment was defeated. The Finance Committee motion passed and the Gawle motion to decrease failed by default.*

DEBT SERVICE

VOTED to appropriate \$1,446,361 for payment of the Town's General Fund indebtedness, and to meet such appropriation \$1,359,779 be raised by taxation and \$86,582 be appropriated and transferred from the Community Preservation Fund annual revenues.

Action taken on 5/5/2008.

LIBRARY SERVICES

VOTED to approve the Library Services operating budget of \$2,128,147, and to raise and appropriate \$1,490,385, appropriate and transfer \$650 from the Herbert B. Adams Fund, and appropriate and transfer \$550 from the R.J.D. Westcott Fund as its share of that budget.

Action Taken on 5/12/2008

**O'Connor motion to increase the Library Services operating budget by \$25,000 was defeated. BenEzra motion to increase by \$11,000 was defeated by tally vote: Yes 63, No 117.*

ELEMENTARY SCHOOLS

VOTED to raise and appropriate \$20,689,430 for the Amherst Elementary Schools.

Action taken on 5/21/2008.

**A motion to postpone consideration of the Elementary and Regional School budgets to Wednesday, May 28, 2008, was defeated. Yes 82, No 103.*

***Motions were made by Michael Ash to increase the Elementary School Budget by \$400,000, and by Nancy Gordon to decrease by \$1,000,000. The Ash amendment was voted on first in accordance with Article 1, Section 7, of the Town of Amherst General Bylaws. The Ash amendment was defeated. The Finance Committee motion passed and the Gordon motion to decrease failed by default.*

REGIONAL SCHOOL

VOTED to approve the Amherst-Pelham Regional School District operating and capital budget of \$28,120,995 and to raise and appropriate \$12,395,375 as its share of that budget.

Action taken on 5/21/2008.

**A motion to postpone consideration of the Elementary and Regional School budgets to Wednesday, May 28, 2008, was defeated. Yes 82, No 103.*

At 9:50 p.m. on May 21, 2008, the meeting voted to adjourn to Monday, May 28, 2008, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 191 town meeting members were checked in.

* * *

WATER FUND

VOTED unanimously to appropriate \$4,224,006 for the Water Fund and to meet such appropriation \$3,974,006 be made available from Water Fund revenues of the current year and \$250,000 be transferred from Water Fund Surplus.
Action taken on 5/5/2008.

SEWER FUND

VOTED to appropriate \$3,670,647 for the Sewer Fund and to meet such appropriation \$3,670,647 be made available from Sewer Fund revenues of the current year.
Action taken on 5/5/2008.

**A motion made by Mr. Gawle to increase the Sewer Fund by \$37,000 was defeated.*

SOLID WASTE FUND

VOTED unanimously to appropriate \$625,524 for the Solid Waste Fund and to meet such appropriation \$516,300 be made available from Solid Waste Fund revenues of the current year and \$109,224 be transferred from Solid Waste Fund Surplus.
Action taken on 5/5/2008.

TRANSPORTATION FUND

VOTED unanimously to appropriate \$1,010,754 for the Transportation Fund and to meet such appropriation \$912,000 be made available from Transportation Fund revenues of the current year and \$98,754 be transferred from Transportation Fund Surplus.
Action taken on 5/5/2008.

At 10:03 p.m. on May 5, 2008, the meeting voted to adjourn to Monday, May 12, 2008 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 204 town meeting members were checked in.

* * *

The May 12, 2008 session, adjourned from May 5, 2008 was called to order by the Town Moderator, Harrison Gregg, at 7:41 p.m. 128 town meeting members were checked in.

Town Meeting voted the following procedural motions:
To consider Article 17, Part C at 7:31 p.m. on May 19, 2008.
To consider Article 20, Part B at 7:30 p.m. on May 28, 2008.

Town Meeting resumed with Article 12 – Library Services

ARTICLE 13. Reserve Fund (Finance Committee)

VOTED unanimously to raise and appropriate \$100,000 for the Reserve Fund for FY 2009.
Action taken on 5/12/2008.

ARTICLE 14. Capital Program – Chapter 90 (Joint Capital Planning Committee)

VOTED to authorize the expenditure of \$610,000 of Chapter 90 funds for qualifying purposes and further authorize the Treasurer to borrow in anticipation of reimbursement of these funds from the Commonwealth of Massachusetts.
Action taken on 5/12/2008.

**Gawle amendment to restrict use of Chapter 90 for road maintenance and repairs was defeated.*

ARTICLE 15. Capital Program – Equipment (Joint Capital Planning Committee)

VOTED to appropriate \$1,226,400 to purchase, repair, and/or install new or replacement equipment, and to meet such appropriation, \$1,086,400 be raised by taxation, \$32,000 be transferred from Article 21

of the 2005 Annual Town Meeting (Vehicle Washer), \$80,000 be transferred from Article 34 of the 2006 Annual Town Meeting (Marks Meadow Portable Classrooms), and \$28,000 be transferred from Article 31 of the 2007 Annual Town Meeting (Police Station HVAC improvements).
Action taken on 5/12/2008.

ARTICLE 16. Capital Program – Buildings and Facilities (Joint Capital Planning Committee)
VOTED to appropriate \$143,000 to repair and/or improve buildings and facilities, and to meet such appropriation, \$93,000 be raised by taxation and \$50,000 be transferred from Article 21 of the 2005 Annual Town Meeting (Vehicle Washer).
Action taken on 5/12/2008.

ARTICLE 17. Capital Program – Bond Authorizations (Joint Capital Planning Committee)
A. VOTED by a declared two-thirds to appropriate \$420,000 to pay costs of roof replacement and other extraordinary repairs to the Bangs Community Center, and to meet such appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow \$420,000 in accordance with Massachusetts General Laws Chapter 44, Section 7, Clause (3A), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.
Action taken on 5/12/2008.

B. VOTED to raise and appropriate \$635,000 for the purchase of firefighting apparatus.
Action taken on 5/12/2008.

C. VOTED by a declared two-thirds to amend the actions taken under Article 5 of the Special Town Meeting held on November 5, 2007, and appropriate \$105,000 to pay costs of purchasing portable classrooms for the use of the School Department and for the payment of all other costs incidental and related thereto, which amount shall be expended in addition to the \$195,000 previously appropriated for this purpose, and to meet this appropriation, the Treasurer, with the approval of the Select Board, is hereby authorized to borrow said amount under and pursuant to Chapter 44, Section 7(9) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.
Action taken 5/19/2008.

ARTICLE 18. Community Preservation Act – Affordable Housing (Community Preservation Act Committee)
VOTED unanimously to amend, in part, the action taken under Article 24 of the 2007 Annual Town Meeting, which, among other things, authorized the appropriation of \$150,000 from the Community Preservation Fund Balance to provide three deferred payment loans to low and moderate income households to purchase homes in Amherst, to instead authorize the use of said funds to provide purchase price buy-down assistance to three first time homebuyers and to acquire affordable housing restrictions meeting the requirements of M.G.L. c.184, §§ 31-33 on each of the homes purchased through the use of such assistance, and further to authorize the Select Board to accept such affordable housing restrictions, sign any instruments and take any other action necessary to carry out this vote.
Action taken on 5/12/2008.

At 9:58 p.m. on May 12, 2008, the meeting voted to adjourn to Wednesday, May 14, 2008 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 188 town meeting members were checked in.

* * *

The May 14, 2008 session, adjourned from May 12, 2008 was called to order by the Town Moderator, Harrison Gregg, at 7:44 p.m. 127 town meeting members were checked in.

Town Meeting voted to postpone consideration of Article 24 to May 21, 2008, after the Elementary and Regional School budgets.

ARTICLE 19. Community Preservation Act – Affordable Housing (Community Preservation Act Committee)

A. VOTED unanimously as amended to appropriate and transfer \$150,000 from the Community Preservation Fund estimated annual revenues, for the purpose of creating community housing on a parcel of Town-owned land located on Olympia Drive, identified as a certain parcel of land located on Olympia Drive, Amherst, Massachusetts, which parcel is the northwestern portion of the land taken pursuant to an Order of Taking dated July 13, 1987, and recorded in the Hampshire Registry of Deeds in Book 3018, Page 309, also being a portion of Assessors Map 8D, Parcel 20, and containing 13.5 acres, more or less, with said funds to be used to obtain any and all permits and approvals, including, without limitation, a comprehensive permit, necessary or convenient for the development and construction of a housing project on said property, for the design and construction of said housing, and for such other costs and expenses necessary or incidental to the foregoing, which housing shall be subject to an affordable housing restriction meeting the requirements of M.G.L. c.184, §§ 31-33, reserving at least 25% of the units in the development for sale to or rental by low and/or moderate income individuals or households, and further to authorize the Select Board to accept such affordable housing restriction, sign any instruments and take any other action necessary to carry out this vote for Olympia Drive.

Action taken on 5/14/2008

B. VOTED unanimously as amended to appropriate and transfer \$30,000 from the Community Preservation Fund estimated annual revenues, for the purpose of creating community housing by assisting the Habitat for Humanity/Amherst College affordable housing construction project on land shown as Parcel 1 on Assessors Map 18A, pursuant to a grant agreement with the Habitat for Humanity and/or Amherst College, and further to authorize the Select Board to enter into said grant agreement, which agreement shall set forth the terms and conditions under which such funds may be expended, provided, however, that said agreement shall include a requirement that the Town be granted an affordable housing restriction on such property meeting the requirements of M.G.L. c.184, §§ 31-33, and further to authorize the Select Board to accept said affordable housing restriction, sign any instruments, and take any other action necessary to carry out this vote.

Action taken 5/14/2008.

ARTICLE 20. Community Preservation Act – Historical Preservation (Community Preservation Act Committee)

A. VOTED as amended to appropriate \$54,400 from the Community Preservation Fund estimated annual revenues, for the following historic preservation projects:

Woman's Club Carriage House	\$8,800
Archival Documents Conservation/Restoration	\$20,000
575 North East Street (Kimball Farm- year 2 of 5)	\$25,600

Action taken on 5/14/2008.

B. VOTED as amended to:

1) authorize the Select Board to acquire by gift, eminent domain, or negotiated purchase parcels of land containing 0.55 acres, more or less, designated as Map 14B, Parcels 250-251 of the Town Cadastre, located north of Main Street, from Hills House LLC, to be managed and controlled by the Parks Commission in consultation with the Amherst Historical Commission for historical preservation and passive recreation purposes,

2) appropriate \$270,000 for the acquisition of said land, and to meet such appropriation, appropriate and transfer \$81,000 from the Community Preservation Fund annual estimated revenues, with the additional \$189,000 to be borrowed in anticipation of receipt of a grant from the Commonwealth of Massachusetts, pursuant to G.L. c. 44, s. 6A.

3) authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for that purpose, as authorized by M.G.L. Chapter 44, or any other enabling authority,

4) authorize the Town Manager or his designee to file on behalf of the Town any and all applications deemed necessary under the Urban Self-Help Act (M.G.L. Chapter 933, Acts of 1977, as amended) or any other applications for funds in any way connected with the scope of this acquisition, and to accept gifts, bequests, and grants from individuals, groups, corporations,

5) authorize the Town Manager and/or the Select Board, as they deem appropriate, to enter into all agreements and execute any and all instruments including the conveyance of perpetual deed restrictions on said properties, in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B as may be necessary on behalf of the Town to effect said purchase, in conjunction with the acceptance by the Historical Commission of historical preservation agreements on the adjacent parcels designated as Map 14B, Parcels 18 and 252.

Action taken on 6/11/2008.

ARTICLE 21. Community Preservation Act – Open Space (Community Preservation Act Committee)

A. VOTED unanimously to appropriate and transfer from the Community Preservation Fund estimated annual revenues \$20,000 for appraisals and surveys to support the purchase of Agricultural Preservation Restrictions (APR's), Conservation Restrictions (CR's) and fee acquisitions of land.

Action taken on 5/14/2008.

B. VOTED to appropriate and transfer from the Community Preservation Fund estimated annual revenues \$20,000 for appraisals, surveys, wetlands delineations and associated studies to support the purchase of land for recreation in Amherst.

Action taken on 5/14/2008.

C. VOTED to appropriate and transfer from the Community Preservation Fund estimated annual revenues \$80,000 for the purchase of an Agricultural Preservation Restriction in South Amherst (Map 23B, Parcel 30), and to meet such appropriation accept gifts, bequests, and grants from individuals, groups, corporations, and authorize the Select Board to acquire an Agricultural Preservation Restriction in South Amherst (Map 23B, Parcel 30) and, upon the tender of a grant from the Commonwealth of Massachusetts under the Agricultural Preservation Program, to convey an interest in such Agricultural Preservation Restriction to the Commonwealth of Massachusetts to be held in common with the Town.

Action taken on 5/14/2008.

D. DEFEATED [To see if the Town will appropriate \$2,500 from the Community Preservation Act Fund annual revenues or available funds for an appraisal of property located easterly of South East Street, owned by Levi Nielsen Co., Inc. and identified on the Town cadastre at parcels 17D-24 consisting of 6.69 acres more or less and parcel 17D-21 consisting of .73 acres more or less.]

Action taken on 5/14/2008.

E. DISMISSED [To see if the Town will appropriate \$35,000 from the Community Preservation Fund annual revenues for the purchase of land for open space purposes located easterly of South East Street, owned by Levi Nielsen Co., Inc. and identified on the Town cadastre at parcels 17D-24 consisting of 6.69 acres more or less and parcel 17D-21 consisting of .73 acres more or less and;

To authorize the Select Board to acquire by gift or negotiated purchase parcels of land containing 7.0 acres, more or less, designated as Map 17D, Parcels 24 and 21.]

Action taken on 5/14/2008.

ARTICLE 22. Community Preservation Act – Kimball House (Community Preservation Act Committee)

VOTED to appropriate \$50,000 from the Community Preservation Fund Open Space Reserve to fulfill the compensation agreement with the Commonwealth of Massachusetts for the Kimball House Historic Preservation Restriction.

Action taken on 5/14/2008.

ARTICLE 23. Community Preservation Act Committee – Administrative and Reserve Fund (Community Preservation Act Committee)

A. VOTED to appropriate and transfer from the Community Preservation Fund estimated annual revenues \$1,500 for administrative expenses.

Action taken on 5/14/2008.

B. DISMISSED [To reserve to a Budgeted Reserve Fund for future appropriations]

Action taken on 5/14/2008.

ARTICLE 24. Community Preservation Act Ballot Question for November, 2008 State Election (Select Board)

VOTED Yes 92, No 71 to amend the actions taken under Article 2 of the Special Town Meeting held on February 12, 2001, and under Article 38 of the Annual Town Meeting held on May 1, 2006, to increase from one and a half percent to three percent, the surcharge authorized thereunder, and to place on the ballot for the November 4, 2008 State Election a question regarding acceptance of such amended surcharge, all as provided in M.G.L. c.44B, §§ 3 and 16(a).

Action taken on 5/28/2008.

ARTICLE 25. Zoning Amendment – Density Calculation (Planning Board)

VOTED by a declared two-thirds to add a new Section 4.12 and amend Sections 4.3231, 4.330, and 4.520 of the Zoning Bylaw by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

A. Add a new Section 4.12, as follows:

4.12 If the calculation of maximum density of lots or units for any development method referencing this section results in a figure including a fraction equal to 0.5 or greater, then the figure shall be rounded up to the nearest whole number. If the fraction is less than 0.5, the figure shall be rounded down to the nearest whole number. Dimensional requirements established for building lots in the applicable zoning district(s) and under the applicable development method shall remain in full force and effect, and shall not be altered by the provisions of this section.

B. Amend Sections 4.3231, 4.330, and 4.520, as follows:

4.3231 The maximum density of a cluster subdivision, except for an affordable cluster, shall not exceed the allowed density for a standard subdivision in any zoning district, said density to be calculated by taking the parcel area, subtracting 10% of that area and dividing that number by the minimum lot area of the zoning district in which the parcel is located. ***See Section 4.12.*** In addition, it is the intention of this Section that the cluster subdivision not result in more lots than would be approved for a standard subdivision under a Definitive Subdivision Plan, ***except as may otherwise be authorized under this Bylaw.***

- 4.330 The Planning Board may authorize a greater number of building lots than would be allowed by the density requirements of Section 4.3231 or Section 4.327 only if a minimum of 10% of the total dwelling units in the development are affordable units as herein defined. In no event shall the Board authorize a greater number of building lots than 120% of the maximum number of lots otherwise allowed under the applicable development method. For the purpose of this calculation, 10% of the total parcel size shall be subtracted for road allowance prior to calculating the maximum density normally allowed. *See Section 4.12.*
- 4.520 The maximum density allowed in an Open Space Community Development shall be calculated as follows:
1. Determine the Net Parcel Area by subtracting 75% of the area of all Unbuildable Land Area from the total parcel acreage. Unbuildable Land Area shall consist of the combined acreage of all wetlands, FPC District and 100-year floodplain areas. 100-year floodplain areas shall consist of those areas so designated on federal flood insurance maps.
 2. Subtract 8% of the Net Parcel Area for roadways, parking and utilities.
 3. Divide the remaining buildable land area by the minimum lot area required in the applicable zoning district(s).
 4. Multiply the resulting lot count by 1.2 (120%) to derive the maximum density. *See Section 4.12.*
 5. Where no lots are to be provided in an OSCD, the maximum density resulting from this calculation shall serve as the total base dwelling unit count.

Action taken on 5/14/2008.

ARTICLE 26. Zoning Amendment - 500-502 Sunderland Road (Planning Board)

DEFEATED Yes 63, No 117 [To see if the Town will amend the Official Zoning Map to change the zoning district designation on Assessors Map 2A, Parcels 51 and 52 from Outlying Residence (R-O) and Low Density Residence/Farmland Conservation overlay (RLD/FC) to Village Center Residence (R-VC).]

Action taken on 5/19/2008.

ARTICLE 27. Zoning Amendment - Municipal Parking District (Planning Board)

VOTED, as amended, by a declared two-thirds to amend the Official Zoning Map and Sections **2.04, 3.2, and 7.4** of the Zoning Bylaw, by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

A. To amend Section 2.04, as follows:

2.04 ~~Educational~~ ***Special Districts***

ED Educational

ED zoning allows any use of land and buildings which may legally be carried on by, or under the auspices of, the college or university which owns or manages the property. It is intended that the Educational District only include land which is owned or managed by Amherst College, Hampshire College, or the University of Massachusetts.

MP Municipal Parking

The MP District is an overlay district intended to include selected areas of the downtown General Business (B-G) District and abutting General Residence (R-G) District. Within the MP District, a wide range of permitted retail, service, commercial, and residential uses shall be exempted from the requirement to provide off-street parking spaces. It is the policy of the Town of Amherst to encourage dense multi-use development in its Town Center. Toward that end, provision of off-street parking is not required for selected uses within the MP District.

B. To amend Section 3.2, as follows:

SECTION 3.2 SPECIAL DISTRICTS REQUIREMENTS

3.26 ~~[RESERVED FOR FUTURE USE]~~ ***Municipal Parking District***
See Section 7.4 of this Bylaw for Purpose and Requirements

C. To amend Section 7.4, as follows:

SECTION 7.4 MUNICIPAL PARKING ZONE DISTRICT

7.40 General

The Municipal Parking District is an overlay district and shall be superimposed on other districts established by this Bylaw. Restrictions and prohibitions of land use in the underlying district shall remain in full force and shall not be modified by the conditions of the MP District unless superseded by the restrictions and prohibitions of the MP District.

7.41 Establishment of District

The Municipal Parking District shall consist of those geographic areas shown for this district on the Official Zoning Map. This District is configured to include those lands which constitute the developed core of the downtown business area and immediately abutting residential areas.

7.42 Purpose

The purpose of this district is to encourage the dense development of mixed-use buildings and pedestrian spaces in Amherst Town Center. Toward that end, provision of off-street parking is not required for selected uses within the MP District.

7.43 Regulation

Notwithstanding the other provisions of this Section 7.0, off-street parking spaces need not be provided for any ***principal or related accessory uses under the following categories of Section 3.3, Use Chart: Residential Use (Section 3.32), Retail Business or Consumer Service Use (Section 3.35), and any Commercial or Research and Industrial Use (Section 3.37), or any Residential Use (Section 3.32) excepting fraternities, sororities, dormitory, hotel or motel, which is located within the "Municipal Parking Zone" District as herein defined.*** The

~~"Municipal Parking Zone" shall consist of that portion of the area now or subsequently designated as a General Business District, which lies within the following bounds:~~ ***The following uses shall be required to meet the parking requirements of this Bylaw within the MP District: dormitory or similar college residence hall, hotel or motel, inn, and all other principal and accessory uses under other categories of Section 3.3, Use Chart.***

- ~~On the north: Kellogg Ave., and an extension of its center line to the west;~~
- ~~On the east: Churchill St. and an extension of its center line to the north and south;~~
- ~~On the south: College Street and an extension of its center line to the west;~~
- ~~On the west: North and South Prospect Streets.~~

C. To add the Municipal Parking overlay district to the Official Zoning Map.

Action taken on 5/14/2008.

**Motion to refer back to Planning Board was defeated.*

At 10:01 p.m. on May 14, 2008, the meeting voted to adjourn to Monday, May 19, 2008 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 163 town meeting members were checked in.

* * *

The May 19, 2008 session, adjourned from May 15, 2008, was called to order by the Town Moderator, Harrison Gregg, at 7:42 p.m. 127 town meeting members were checked in.

Town Meeting resumed with Article 8 which was postponed from April 28, 2008, and continued with Article 17, Part C, which was postponed from May 19, 2008, and Article 26 which was postponed from April 30, 2008.

ARTICLE 28. Zoning Amendment - Design Review Districts (Planning Board)

VOTED, as amended, by a declared two-thirds to amend the Official Zoning Map and Sections 2.04 and 3.2 of the Zoning Bylaw, by deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

A. To amend Section 2.04, as follows:

2.04 ~~Educational~~ ***Special Districts***

ED Educational

ED zoning allows any use of land and buildings which may legally be carried on by, or under the auspices of, the college or university which owns or manages the property. It is intended that the Educational District only include land which is owned or managed by Amherst College, Hampshire College, or the University of Massachusetts.

DR Design Review

The DR District is an overlay district intended to include the General Business (B-G) District, and the abutting Limited Business (B-L) districts. The purpose of the DR District is to support the success and vitality of Amherst's Town Center by assuring that the historic character, aesthetic character, and functional quality of the design of Town Center buildings and sites are protected and enhanced. The DR District corresponds to

those areas where the exterior design of new development or alterations requiring permits is subject to review by the Design Review Board.

TCDR Town Common Design Review

The TCDR District is an overlay district intended to include the Amherst Town Common and sites within 150 feet of the Common greenspace, as measured from the outside edges of the curbs bordering the three sections of the Common, parking lots and interior roadways inclusive. The purpose of the TCDR District is to protect and enhance of the design of the historic Town Common and that of the surrounding buildings and landscapes. The TCDR District corresponds to those areas where the exterior design of new development or alteration on or within the vicinity of the Town Common is subject to review by the Design Review Board.

B. To amend Section 3.2, as follows:

SECTION 3.2 SPECIAL DISTRICTS REQUIREMENTS

3.20 Design Review *Districts*

3.200 General

The Design Review District (DR) and Town Common Design Review District (TCDR) are overlay districts and shall be superimposed on other districts established by this Bylaw. Restrictions and prohibitions of land use in the underlying district shall remain in full force, and shall not be modified by the conditions of the DR or TCDR Districts unless superseded by the restrictions and prohibitions of said districts.

3.2000 Establishment of Districts

The Design Review District (DR) and Town Common Design Review District (TCDR) shall consist of the geographic areas shown for these districts on the Official Zoning Map.

~~3.200~~ 3.2001 Purpose

The purpose of this section *and these districts* is to preserve and enhance the Town's cultural, economic and historical resources by providing for a detailed review of all changes in land use, the appearance of structures and the appearance of sites which may affect these resources. The review procedures are intended to:

- 1) Enhance the social and economic viability of the Town by preserving property values and promoting the attractiveness of the Town as a place to live, visit and shop;
- 2) Encourage the conservation of buildings and groups of buildings that have aesthetic or historic significance;

- 3) Prevent alterations that are incompatible with the existing environment or that are of inferior quality or appearance; and
- 4) Encourage flexibility and variety in future development.

3.201 Design Review Board [NO CHANGE]

3.202 Reviewable Actions

The following types of actions shall be subject to review by the Design Review Board and shall be subject to the design standards herein.

3.2020 Actions in the ~~Downtown B-G & B-L~~ **DR** Districts

All new structures, alterations or additions to existing structures, changes in outdoor land use or changes in site design which require a building permit, Site Plan Review, Special Permit or Variance and which affect the exterior architectural appearance of a building or site shall be subject to review by the Design Review Board, provided that the action occurs within the General Business (B-G) District or abutting Limited Business (B-L) zoning districts.

3.2021 ~~Exterior actions within 150 feet of the Town Common~~ ***Actions in the TCDR District***

Any construction, alteration, demolition or removal that affects the exterior architectural appearance of a building or site shall be subject to review by the Design Review Board provided that the site is on or within 150 feet of the Amherst Town Common, as measured from the outside edges of the curbs bordering the three sections of the Common's ***greenspace***, parking lots and interior road ways inclusive.

Exterior architectural appearance shall be defined as the architectural character and general composition of the exterior of a building, including but not limited to the kind, color and texture of building materials, including paint color, and the type, design and character of all windows, doors, light fixtures, signs, awnings, utility and ventilation structures and all other appurtenant elements.

The appearance of a site shall be defined as the character, layout and general composition of the site, including but not limited to the kind, color and texture of such materials as plantings, paving, benches, site lighting, free-standing signs, utility structures and all other appurtenant elements.

3.2022 Actions by Town Government [NO CHANGE]

C. To add the Design Review (DR) and Town Common Design Review (TCDR) overlay districts to the Official Zoning Map.

Action taken on 5/19/2008.

ARTICLE 29. Petition – Zoning Bylaw – Steep Slopes (O'Connor)

VOTED to refer Article 29 to the Planning Board for future action.

[To see if the town will vote to amend the Amherst Zoning Bylaw by adding the following to the appropriate place in Section 12 'Definitions' and renumbering succeeding sections as necessary:

Steep Slopes: Notwithstanding any other provision of this Bylaw, no portion of any parcel which has a slope of more than 15%, except a lot existing as of February 1, 2008 for a one- or two-family dwelling or for a permitted subdividable dwelling, shall count toward meeting any dimensional requirement of this Bylaw except frontage."]

Action taken on 5/19/2008.

ARTICLE 30. Petition – Zoning Bylaw – Inclusionary Zoning (O'Connor)

VOTED unanimously to refer the proposed section 15.14 to the Planning Board and the Leisure Services Commission for future action. [To see if the town will vote to amend the Amherst Zoning Bylaw by adding to Bylaw Section 15.0 'Intent and Purpose' and Section 15.10 as follows, by adding to Article 15 'Inclusionary Zoning' as Sections 15.13 and 15.14 the following, and by renumbering as necessary exiting sections (additions in ***boldface italic***, deletions in ~~striketru~~):

Section 15.0 Intent and Purpose The purpose of this Article is to promote the general public welfare, including but not limited to ensuring an economically integrated and diverse community, by maintaining and increasing the supply of affordable ***and accessible*** housing in the Town of Amherst ***that includes active and passive on-site recreational facilities, or as an alternative to the provision and permanent maintenance of such recreational facilities, the payment into a Town of Amherst Recreational Capital Fund of a \$5,000 per unit development impact fee.***

Section 15.10. All residential development requiring a Special Permit and resulting in additional new dwelling units shall provide affordable housing units, ***50% of which shall be countable for the purposes of the Commonwealth's 40B Subsidized Housing Inventory or its successor,*** at the following minimum rates:

Section 15.13 All housing units except those located on the second floor or above in residential developments requiring a special permit and resulting in five or more new dwelling units shall be front-door accessible – built to standards that allow unimpeded entry by a person in a wheelchair. In developments, required to provide fire or more fully accessible units, the special permit granting authority may require that an equal or larger number of units shall, except for kitchen facilities, be built as ground-floor accessible.

Section 15.14 Every application for a residential development requiring a special permit and resulting in five or more new housing units shall be referred to the LSSE Director and Commission of the Town of Amherst for their recommendations regarding the nature, extent and maintenance requirements of such on-site recreational facilities as would be consistent with national or regional standards, which recommendations shall take into account existing recreational facilities near the residential development's proposed location within the town. The LSSE Director and Commission shall have 35 days from their receipt of such referral to submit their comments to the special permit granting authority."]

Action taken on 5/19/2008.

ARTICLE 31. Inclusionary Zoning (Planning Board Alternative to Petition) (Planning Board)

VOTED to amend Sections 3.32, 4.1, 10.323, 11.230, and Article 15 of the Zoning Bylaw by deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

A. VOTED, as amended, by a declared two-thirds to amend Section 3.32 as follows:

SECTION 3.32 RESIDENTIAL USES

See Article 4 for *Cluster Development*, Planned Unit Residential Development and ~~Cluster Development~~ *Open Space Community Development*.
Action taken under **Motion I** on 5/19/2008.

B. VOTED to amend Section 4.1, as follows:

- 4.10 All Developments in the Town shall conform to the Design Standards and Required Improvements set forth in the Rules and Regulations Governing the Subdivision of Land, ~~and the Street and Site Work Construction Standards of the Town,~~ *and all other applicable Town roadway and utility policies and regulations*, as amended.
- 4.11 *Where building lots are required or proposed, The lot* frontage of lots shall be on existing or proposed minor or secondary streets, *whether public or private statutory ways*, as *such streets are* defined by the Amherst Planning Board's Rules and Regulations Governing the Subdivision of Land ~~except as provided for in Section 4.4214 and Section 4.534.~~

Action taken under **Motion II** on 5/19/2008.

VOTED to refer Section 4.12 of Part B of the Article to the Planning Board and Disability Access Advisory Committee.

[4.12 *All new ground floor dwelling units shall have at least one primary entrance that is fully handicapped accessible under the provisions of Massachusetts Architectural Access Board regulations (521 CMR), as amended.*]

Action taken under **Motion III** on 5/19/2008.

C. VOTED by a declared two-thirds to amend Section 10.323, as follows:

- 10.323 Upon receipt of an application for a Special Permit, the Special Permit Granting Authority shall transmit copies of the application and plans to appropriate Town boards and officials which may include: the Building Commissioner, Planning Director, Town Engineer, Fire Chief, Conservation Director, Board of Health, Historical Commission, Public Transportation Committee, *Leisure Services Commission*, and others as necessary. These boards and officials shall have thirty-five (35) days to report to the Special Permit Granting Authority their findings and recommendations. Failure to report in the allotted time shall constitute approval by that board or official of the application submitted.

Action taken under **Motion I** on 5/19/2008.

D. VOTED by a declared two-thirds to amend Section 11.230, as follows:

- 11.230 The Planning Board shall transmit copies of the application and site plan to appropriate Town Boards, and departments which may include: the Town Engineer, Fire Chief, Conservation Department, Building Commissioner, Board of Health, Historical Commission, Public Transportation Committee, *Leisure Services Commission*, and others as necessary. These Boards and departments shall have thirty-five (35) days to report to the Planning Board their findings and recommendations. Failure to report in the allotted time shall constitute approval by that Board or Department of the application submitted.

Action taken under **Motion I** on 5/19/2008.

E. VOTED, as amended, by a declared two-thirds to amend the following subsections of Article 15, as follows:

15.0 Intent and Purpose

The purpose of this Article is to promote the general public welfare, including but not limited to ensuring an economically integrated and diverse community, by maintaining and increasing the supply of affordable *and accessible* housing in the Town of Amherst

15.10 All residential development requiring a Special Permit and resulting in additional new dwelling units shall provide affordable housing at the following minimum rates:

Total Development Unit Count	Required Affordable Unit Provision
1-9 units	None*
10-14 units	Minimum one (1) dwelling unit
15-20 units	Minimum two (2) dwelling units
21 units	Minimum 12% of total unit count

* While provision of affordable units is not required for developments containing 1-9 units under this section, the Bylaw encourages affordability and provides for incentives. See Sections 4.33 and 4.55.

Where two or more units are required to be provided under this section, a minimum of forty-nine percent (49%) of affordable units shall be eligible and countable for the purpose of the Commonwealth's 40B Subsidized Housing Inventory (SHI) or its successor. For developments of 21 or more total units, the Calculation of the number of total affordable units or the number of SHI-eligible units shall, if the required percent of the total results in a fraction, be rounded up to the next whole number where the fractional portion is equal to 0.5 or greater, and shall be rounded down to the next whole number where the fractional portion is less than 0.5.

15.11 Affordable and *accessible* dwelling units provided under Section 15.10 shall be counted as meeting the requirements for ~~affordability~~ density bonuses under the provisions of Section 4.55, ~~0.0 (Open Space Community Developments)~~ **Density Bonuses, of this Bylaw.**

Action taken under **Motion IV** on 5/19/2008

**Motion made by Ms. Gray in terms of Part E was defeated. Ms. Gray's amended motion would have returned to the original article language of "a minimum of fifty percent (50%) of affordable units" under Section 15.10.*

At 10:29 p.m. on May 19, 2008, the meeting voted to adjourn to Wednesday, May 21, 2008 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 191 town meeting members were checked in.

* * *

The May 21, 2008 session, adjourned from May 19, 2008, was called to order by the Town Moderator, Harrison Gregg, at 7:40 p.m. 127 town meeting members were checked in.

Town Meeting resumed with consideration of Article 12 – Elementary Schools and Regional School.

* * *

The May 28, 2008 session, adjourned from May 21, 2008, was called to order by the Town Moderator, Harrison Gregg, at 7:43 p.m. 127 town meeting members were checked in.

Town Meeting voted, Yes 90: No 46, to postpone consideration of Article 20 B until after Article 47.
Town Meeting voted to consider Article 40 after Article 24.

ARTICLE 32. Petition – Zoning bylaw – Main/Dickinson/High Rezoning (O'Connor)

VOTED unanimously to refer Article 32 back to the Planning Board.

Action taken on 5/28/2008.

ARTICLE 33. Petition – Request Planning Board to Develop Zoning Bylaw Amendment – Meet LEED (Weyl)

VOTED to request that the Planning Board, working with any other appropriate boards, committees or departments, develop and propose a new Town by-law which would minimize the short term and the long term negative impact construction has on the environment; and that in developing such a proposal, the Planning Board use the LEED (Leadership in Energy and Environmental Design) standards and the MA-CHPS (Massachusetts Collaborative for High Performance Schools) standards and other third-party rating systems as guidelines, said by-law to apply to all newly constructed and all major renovations to Town buildings, and to all newly constructed private commercial, office and multiple-residence buildings.

Action taken on 5/28/2008

ARTICLE 34. Petition – Amend Town Government Act or Adopt a Bylaw – Criteria for Town Property Use (Jolly/Roberts)

DISMISSED [“To see if the Town will adopt a bylaw, amend the Amherst Town Government Act, or take other action requiring the Selectboard to establish criteria for the use of Town property by community organizations, and to act on requests for such use.”]

Action taken on 6/2/2008.

ARTICLE 35. Petition – 250th Anniversary Celebration Committee Appropriation (Wagner/Roberts)

VOTED to raise and appropriate the sum of \$25,000 for use by the 250th Anniversary Celebration Committee in commemoration of the Town’s two hundred fiftieth anniversary.

Action taken on 6/2/2008.

ARTICLE 36. Petition – Transfer from Free Cash to Stabilization Fund (Gawle)

VOTED to refer Article 36 to the Finance Committee. [To see if the town will transfer the sum of \$2,524,533 from the certified free cash account to the stabilization fund or take any vote or votes relative thereto.]

Action taken on 6/2/2008.

ARTICLE 37. Free Cash

VOTED to appropriate and transfer \$425,000 from Free Cash in the Undesignated Fund Balance of the General Fund to balance the 2009 Fiscal Year.

Action taken on 6/2/2008.

ARTICLE 38. Stabilization Fund (Finance Committee)

DISMISSED [To see if the Town will raise and appropriate a sum of money to the Stabilization Fund.]

Action taken on 6/2/2008

ARTICLE 39. Bylaw – Rescind Recombinant DNA Bylaw (Board of Health)

VOTED to amend Article III of the General Bylaws by striking the section entitled “Application of Recombinant DNA Technology” in its entirety.

Action taken on 6/2/2008.

**Motion made by Mr. Mudgett to refer this article to the Board of Health and Select Board was defeated.*

ARTICLE 40. Bylaw – Nuisance House (Select Board)

VOTED Yes 127, No 34 as amended to adopt the Nuisance House Bylaw as printed in the warrant.

[To see if the Town will vote to amend the General Bylaws of the Town by adding the following bylaw, “Nuisance House”, to Article II, Prohibitions:]

Purpose

In accordance with the Town of Amherst’s Home Rule Authority, and to protect the health, safety, and welfare of the inhabitants of the Town, this bylaw shall permit the Town to impose liability on owners and other responsible persons for the nuisances and harm caused by loud and unruly gatherings on private property and shall discourage the consumption of alcoholic beverages by underage persons at such gatherings.

§1. Definitions

Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

Alcoholic beverage means all liquids intended for human consumption as a beverage which contain one half of one percent or more of alcohol by volume at sixty degree Fahrenheit, including malt beverages.

Eviction means actively trying to evict a tenant from a premise by delivery of a notice to quit and subsequent court proceedings, if a tenant fails to vacate the premises.

Gathering is a party, gathering, or event, where a group of persons have assembled or are assembling for a social occasion or social activity.

Legal Guardian means (1) a person who, by court order, is the guardian of the person of a minor; or (2) a public or private agency with whom a minor has been placed by the court.

Underage Person means any person under twenty-one years of age.

Parent means a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.

Premises means any residence or other private property, place, or location, including any commercial or business property.

Property owner means the legal owner of record as listed by the tax assessors records.

Public Nuisance means a gathering of persons on any premises in a manner which constitutes a violation of law or creates a substantial disturbance of the quiet enjoyment of private or public property in a significant segment of a neighborhood. Unlawful conduct includes, but is not limited to excessive noise, excessive pedestrian and vehicular traffic, obstruction of public streets by crowds or vehicles, illegal parking, public drunkenness, public urination, the service of alcohol to underage persons, fights, disturbances of the peace, and litter.

Response costs are the costs associated with responses by law enforcement, fire, and other emergency response providers to a gathering as set forth in a schedule of costs established by the Board of Selectmen.

§2. Consumption of Alcohol by Underage Persons Prohibited in Public Place, Place Open to Public, or Place Not Open to Public

Except as permitted by state law, it is unlawful for any underage person to:

- (a) consume at any public place or any place open to the public any alcoholic beverage; or
- (b) consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverage the underage person is being supervised by his or her parent or legal guardian as set forth in G.L. c.138, §34.

§3. Hosting, Permitting, or Allowing a Public Nuisance or Party, Gathering, or Event Where Underage Persons Consuming Alcoholic Beverages Prohibited

- (a) It is the duty of any person having control of any premises who knowingly hosts, permits, or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any underage person at the gathering. Reasonable steps include, but are not limited to, controlling access to alcoholic beverages at the gathering; controlling the quantity of alcoholic beverages present at the gathering; verifying the age of persons attending the gathering by inspecting driver's licenses or other government-issued identification cards to ensure that underage persons do not consume alcoholic beverages while at the gathering; and supervising the activities of underage persons at the gathering.
- (b) A gathering constituting a public nuisance may be abated by all reasonable means including, but not limited to, an order by the Police requiring the gathering to be disbanded and citation and/or arrest of any persons under any applicable provision of local or state law.
- (c) It is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one underage person consumes an alcoholic beverage, provided that the person having control of the premises either knows an underage person has consumed an alcoholic beverage or reasonably should have known that an underage person consumed an alcoholic beverage and the person having control of said premises failed to take all reasonable steps to prevent the consumption of an alcoholic beverage by an underage person as set forth in subsection (a) of this Section.
- (d) This Section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between an underage person and his or her parent or legal guardian as set forth in G.L. c.138, §34.
- (e) This Section shall not apply to any Massachusetts Alcoholic Beverages Control Commission licensee at any premises regulated by the Massachusetts Alcoholic Beverage Control Commission.

§4. Mailing of Notice to Property Owner.

Notice of response by police or other local officials to a gathering shall be mailed to any property owner listed on the Town of Amherst property tax assessment records and shall advise the property owner that the third such response on the same premises within a one year period, as measured from the date of the first notice, shall result in liability of the property owner for all penalties associated with such response as more particularly described below.

§5. Persons Liable for a First and Second Response to a Gathering Constituting a Public Nuisance.

If the police department is required to respond to a gathering constituting a public nuisance on the premises, the following persons shall be jointly and severally liable for fines as set forth below. Response costs may also be assessed.

- (a) The person or persons residing on or otherwise in control of the property where such gathering took place.
- (b) The person or persons who organized or sponsored such gathering.
- (c) All persons attending such gatherings who engage in any activity resulting in the public nuisance.

§6. Persons Liable for a Third and Subsequent Response to a Gathering Constituting a Public Nuisance.

If the police department is required to respond to a gathering constituting a public nuisance on the premises more than twice in any one year period, as measured from the date of the first response, the following persons shall be jointly and severally liable for fines as set forth below. Response costs may also be assessed.

- (a) The person or persons who own the property where the gathering constituting the public nuisance took place, provided that notice of the first and second responses has been mailed to the owner of the property as set forth herein and the gathering occurs at least fourteen (14) days after the mailing the second such notice. The owner of the property shall not be held responsible for any violation and penalties if they are actively trying to evict a tenant from the property. The one year time period for violations for a property shall pertain only to the same residents occupying the property who have had the prior violation(s). New residents shall start a new time cycle of one year should they violate the bylaw.
- (b) The person or persons residing on or otherwise in control of the property where such gathering took place.
- (c) The person or persons who organized or sponsored such gathering.
- (d) All persons attending such gatherings who engage in any activity resulting in the public nuisance.

§7. Enforcement

This bylaw shall be enforced by criminal complaint in the District Court. Violations shall be punishable by a fine of \$300.00. In the alternative it may be enforced by the noncriminal disposition process of M.G.L. c.40 Section 21D. For the purpose of noncriminal enforcement, the enforcing persons shall be any police officer of the Town of Amherst. If enforced pursuant to noncriminal disposition, the following fines shall apply:

First offense: \$300

Second offense: \$300

Third and subsequent offense: \$300

The Town of Amherst may additionally seek administrative costs and response costs associated with enforcement of Sections 2 and 3, through all remedies or procedures provided by state or local law.

Sections 2 and 3 shall not limit the authority of police officers to make arrests for any criminal offense arising out of conduct regulated by Sections 2 and 3, nor shall they limit the Town of

Amherst or the Commonwealth of Massachusetts' ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of Sections 2 and 3.

§8. Local Authority and Severability

No provision of this bylaw shall apply where prohibited or preempted by state or federal law.

If any provision of this ordinance, or the application thereof to any person or circumstances, is declared invalid, that invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or application, to this end the provisions of this ordinance are severable.

Action taken on 5/28/2008.

At 10:03 p.m. on May 28, 2008, the meeting voted to adjourn to Monday, June 2, 2008 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 172 town meeting members were checked in.

* * *

The June 2, 2008 session, adjourned from May 28, 2008, was called to order by the Town Moderator, Harrison Gregg, at 7:44 p.m. 127 town meeting members were checked in.

Town Meeting voted to consider Article 20B at 7:30 p.m. on Wednesday, June 11, 2008.

Town Meeting resumed with consideration of Article 34.

ARTICLE 41. Easement – University Drive (Select Board)

DISMISSED [To see if the Town will authorize the Select Board to acquire, by gift, purchase or eminent domain, temporary and permanent easements, and to dispose of excess temporary and permanent easements, for roadway construction and roadway safety improvements along a section of University Drive; all in accordance with a plan entitled "Preliminary Plan for Reconstruction and Related Work on University Drive in the Town of Amherst" prepared by Stantec, April 4, 2008, which is on file in the office of the Town Clerk. Easement areas are shown in Table 1 entitled "Parcel Summary Sheet".]

Action taken on 6/2/2008.

ARTICLE 42. Street Acceptance – Moody Field Subdivision (Select Board)

VOTED unanimously to accept as a Town Way Moody Field Road as laid out by the Select Board and shown on plans of land filed with the Town Clerk, and authorize the Select Board to take by eminent domain, purchase or otherwise any fee, appurtenant rights, easements or other interest in land therefor, no appropriation being required.

Action taken on 6/2/2008.

ARTICLE 43. Street Acceptance – Rosemary Street and Lilac Lane

VOTED unanimously as amended to accept as a Town Way Rosemary Street and Lilac Lane as laid out by the Select Board and shown on plans of land filed with the Town Clerk, and authorize the Select Board to take by eminent domain, purchase or otherwise any fee, appurtenant rights, easements or other interest in land therefor, no appropriation being required.

Action taken on 6/2/2008

ARTICLE 44. Street Acceptance – Eveningstar Drive 0 Select Board)

DISMISSED [To see if the Town will accept as a Town Way Eveningstar Drive as laid out by the Select Board and shown on plans of land filed with the Town Clerk, and authorize the Select Board to take by eminent domain,

purchase or otherwise any fee, appurtenant rights, easements or other interest in land therefor, no appropriation being required.]

Action taken on 6/2/2008.

ARTICLE 45. Sewer Easement Adjustment – West Street (Select Board)

VOTED to abandon a certain sewer and drainage easement taken over the property of Hampshire College referenced in the Order of Taking recorded in Book 1543, Page 549 of the Hampshire County Registry of Deeds, and to acquire by purchase, gift or eminent domain for the construction of a sewer main, drainage and general utility purposes an easement shown in the plan entitled, “Easement Plan of Land in Amherst, Massachusetts Surveyed for the Inhabitants of the Town of Amherst,” dated February 15, 2008, drawn by Heritage Surveys, Inc.

Action taken on 6/2/2008.

ARTICLE 46. Bylaw – Right to Farm

VOTED unanimously as amended to adopt a new bylaw entitled “Right to Farm” as recommended by the Agricultural Commission

AMHERST RIGHT-TO-FARM BYLAW

Section 1. Legislative Purpose and Intent

The purpose and intent of this Bylaw is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Articles of Amendment of the Massachusetts Constitution and all state statutes and regulations thereunder, including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9; Chapter 111, Section 125A; and Chapter 128, Section 1A. We the citizens of Amherst restate and republish these rights pursuant to the Town’s authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution (“Home Rule Amendment”). This General Bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Amherst by allowing agricultural uses and related activities and promoting efficient conflict resolution with abutters and Town agencies.

Section 2. Definitions

The word “farm” shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of agriculture. The words “farming” or “agriculture” or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry, lumbering, or tree-growing operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise;
- keeping and raising of poultry, swine, cattle, sheep, cavies (such as rabbits) ratites (such as emus, ostriches, and rheas) and camelids (such as llamas, alpacas, and camels), and other domesticated animals for food and other purposes, including bees and fur-bearing animals;

- production and processing of crops for biofuels for the purpose of generating alternative energy;
- operation and transportation of all farm equipment over roads within the town;
- harvest of crops according to generally accepted agricultural practices
- control of pests including, but not limited to, insects, weeds, predators, and disease organisms of plants and animals;
- tillage, cultivation, and application of manure, fertilizers, and pesticides;
- conducting agriculture-related educational activities;
- conducting farm-based recreational activities, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, land management activities, or sale of the agricultural products;
- on-farm relocation of earth, and the clearing of ground for farming operation including burning brush in accordance with Massachusetts agricultural fire permit regulations (310 CMR 7.07); and
- construction and use of farm structures and facilities for the purpose of: storage of animal wastes, farm equipment, pesticides, fertilizers, agricultural products; housing of livestock; processing of animal wastes and agricultural products; season extension or hydroponic production of agricultural products; sale of agricultural products; or use by farm labor; construction and maintenance of fences; all as permitted by local and state building codes and regulations.

Section 3. Right to Farm Declaration

The Right to Farm is hereby recognized to exist with the Town of Amherst, in recognition of the benefits of farming to the neighborhood, community and society in general. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. The benefits and protections of this Bylaw are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm Bylaw shall be deemed as acquiring any interest in land, or imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning bylaw. This Bylaw does not supersede local, state or federal laws or regulations or private covenants.

Section 4. Effective Date

This Bylaw shall be effective upon approval by the Massachusetts Attorney General and the publication and posting as required by law.

Section 5. Disclosure Notification to Real Estate Buyers

In order to allow prospective purchasers to make informed decisions prior to a real estate transaction and to promote harmony between farmers and their new neighbors after a transaction, the Town of Amherst requests selling landholders and/or their agents (and assigns) provide written notice to prospective purchasers substantially as follows:

“It is the policy of the Town of Amherst to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers that the property they are about to acquire lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Purchasing, and henceforth occupying land within Amherst means that one should expect and accept such conditions as a normal and necessary aspect of living in Amherst.”

Written notification may occur in one of several ways including but not limited to a disclosure form, addendum to a Purchase and Sale Agreement and should include an acknowledgement by the buyer that they have received notification.

Within 30 days after this Bylaw becomes effective the Select Board shall make available for use by selling landowners or their agents (and assigns) copies of example written notifications.

Within 30 days after this Bylaw becomes effective the Select Board shall prominently place in the town hall the above disclosure.

Section 6. Resolution of Disputes

Any person having a complaint about a farm or farming activity or practice is encouraged to seek an amicable solution through resolution directly with the owner or operator of the farm at issue. Such person may also, notwithstanding the pursuit of other available remedies, file such complaint with the Town Manager. The Town Manager will forward the complaint to the Agricultural Commission, and other board or officer deemed appropriate. The Agricultural Commission will seek an amicable resolution through facilitating discussion between the parties, and will report back to the Town Manager on the outcome within a reasonable time frame.

Section 7. Severability Clause

If any part of this Bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this bylaw. The Town of Amherst hereby declares the provisions of this Bylaw to be severable.

Action taken on 6/2/2008.

ARTICLE 47. Bylaw – False Alarm Fees (Select Board)

VOTED to amend the General Bylaws of the Town by adding the following Bylaw, “False Alarm Fees”, to Article IV:

FALSE ALARM FEES

Any residence, school, municipal building or place of business which has an alarm system connected directly to the Police Department or connected indirectly to said Department through a private alarm company (each of which will be hereinafter referred to as a “monitored system”), shall be charged a fine for all responses by the Department to such buildings when the response is caused by: (1) the activation of the monitored system through mechanical failure, malfunction, improper installation, or negligence of the user of an alarm system or his employees or agents; or (2) the activation of the monitored system requesting, requiring or resulting in a response on the part of the Police Department when, in fact, there has been no unauthorized intrusion, robbery or burglary, or attempted threat. For the

purposes of this bylaw, activation of a monitored system for the purposes of testing with prior approval by the Police Department, or by an act of God, including, but not limited to, power outages, hurricanes, tornadoes, earthquakes and similar weather or atmospheric disturbances shall not be deemed to be a false alarm. A fine for violation of this bylaw may be assessed against the owner or tenant of the residence or place of business.

Penalties for violation of this bylaw shall be as follows, successive responses to be counted within any twelve month period:

First three responses	Warning
Fourth response	\$ 50.00
Fifth response	\$ 75.00
Sixth response	\$100.00
Seventh response	\$150.00
Eighth and subsequent responses	\$200.00

This section may be enforced pursuant to the noncriminal disposition method as contained in M.G.L. Chapter 40, Section 21D. Enforcing persons shall be police officers.
Action taken on 6/2/2008.

At 9:25 p.m. on the 2nd day of June 2008, the meeting voted to adjourn to Wednesday, June 11, 2008 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 168 town meeting members were checked in.

* * *

The June 11, 2008 session, adjourned from June 2, 2008, was called to order by the Town Moderator, Harrison Gregg, at 7:42 p.m. 127 town meeting members were checked in.

Town Meeting resumed with consideration of Article 20, Part B.

* * *

The business of the warrant having been completed, town meeting voted to dissolve at 8:32 p.m. on June 11, 2008. 172 town meeting members were checked in.

Attest:

Sandra J. Burgess
Town Clerk

**Historical Note:*

The Moderator announced that this Annual Meeting, heretofore designated the Two Hundred Forty-Ninth would henceforth be recognized as the Two Hundred Fiftieth. Research by Elizabeth Sharpe, President of the Amherst Historical Society, has established that Amherst's first Annual Meeting as an independent district was held on March 19, 1759 with Ebenezer Dickinson as moderator; this Meeting, 249 years later, is therefore the Two Hundred Fiftieth Annual Meeting.

Among other business, the 1759 meeting:

- Elected officers, including selectmen, treasurer, constables, surveyors, tything men, fence viewers, hog reeves.*
- Voted that "hogs rung & Yoakt According to Law may run at Large".*
- Voted to "Hire Six Bulls for the District Service this Year".*
- Voted "the Select men to Hire said Bulls".*
- Set the salary for the minister at 66 pounds plus 15 pounds for firewood.*

- *Raised 20 pounds for schooling for the year.*

Amherst continued to call itself a district until 1776 when, for the first time, the minutes refer to the Town of Amherst. According to Planning Director Jonathan Tucker, recognition as a Town was not officially granted by the Commonwealth until 1788.